



1255 Imperial Avenue, Suite 1000  
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## Agenda

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

June 11, 2021

1:00 pm

\*Meeting will be held via webinar\*

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#### ACTION RECOMMENDED

1. ROLL CALL

2. [APPROVAL OF MINUTES - March 11, 2021](#)

Approve

3. PUBLIC COMMENTS

#### COMMITTEE DISCUSSION ITEMS

4. [Security Services - Contract Award \(Sam Elmer, Al Stiehler and Larry Marinesi\)](#)

Approve

Action would forward a recommendation to the MTS Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2359.0-20 with Inter-Con Security Services, for the provision of Security Services for three (3) base years with an option to extend for an additional two (2) years in the amount of \$66,004,286.

Please SILENCE electronics  
during the meeting

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [sdmts.com](http://sdmts.com)



San Diego 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 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. MTS is also the For-Hire Vehicle administrator for nine cities.

- |    |  |                      |
|----|--|----------------------|
| 5. | <a href="#"><u>Security and Passenger Safety Community Advisory Group Guidelines (Julia Tuer)</u></a><br>Action would: (1) Receive a report on the draft Security and Passenger Safety Community Advisory Group Guidelines; and (2) Provide feedback to staff. | Provide<br>Direction |
| 6. | <a href="#"><u>Director's Security Update (Al Stiehler)</u></a>  | Informational        |
| 7. | <a href="#"><u>Fare Evasion Diversion Program Update (Samantha Leslie)</u></a><br>Action would forward a recommendation to the Board of Directors to extend the Fare Evasion Diversion Program Pilot by twelve (12) months, until August 31, 2022              | Approve              |

OTHER ITEMS

- |     |  |
|-----|--|
| 8.  | COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS |
| 9.  | NEXT MEETING DATE: July 22, 2021                   |
| 10. | ADJOURNMENT  |

DRAFT

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

March 11, 2021

1. ROLL CALL

Chair Montgomery Steppe called the meeting to order at 2:01 p.m. A roll call sheet listing Public Security Committee members' attendance is attached.

2. APPROVAL OF MINUTES

Mr. Hall moved to approve the minutes of the November 12, 2020 Public Security Committee meeting. Ms. Galvez seconded the motion, and the vote was 5 to 0 in favor, with Vice Chair Aguirre and Ms. Weber absent.

3. PUBLIC COMMENTS

*James Anderson* – Mr. Anderson is looking for support from the committee regarding training officers on mask policies.

*Michelle Krug* – Ms. Krug inquired how often the officer cameras are turned on and how accessible the body worn camera policy is to the public. She is also interested in MTS having a permanent Steering Committee and being a member of it.

4. Video System Procedures (Karen Landers)

Karen Landers, General Counsel, provided a presentation on the proposed video system procedures. She first noted, in response to the public comment, that the body worn camera policy is in the standard operating procedures and is available to the public upon request and includes when the officers need to turn on their cameras. Ms. Landers continued the presentation and reviewed the Video System Procedures document that was created as a result of the American Public Transportation Association (APTA) Peer Review Report. Ms. Landers stated the purpose of the document is to have all the information in one central location and to have it available to staff and the public. She stated the comprehensive document describes the different video systems MTS has and the different processes MTS goes through with the video systems. She continued to discuss the video systems, the recording protocols, authorizing access to video system, video recording storage and access to video recordings, video retention and record requests for video system recordings. Ms. Landers stated MTS would like to solicit feedback as the document is being finalized.

COMMITTEE COMMENTS

Ms. Galvez asked what it takes for an employee to mark specific video incidents. She also asked if the process was consistent and if employees knew how the system operated. Ms. Landers explained that it depends on the system, but that all employees that work on those systems know how to operate them properly. Ms. Galvez commented that it would go a long way to make passengers feel safer on public transportation if they knew about the cameras. She noted that passengers should understand that they have the right to request video to be retained and include a website or phone number for them to contact. Ms. Landers stated information could be added to the policy and language could be added to the website explaining the process. Ms.

Galvez then asked about the live feed access Memorandum of Understandings (MOUs) and if they were now in place for Chula Vista. Ms. Landers stated that the MOU has been executed, however Chula Vista is still internally deciding when they want to turn it on and still need to submit employee access authorization information.

Mr. Whitburn noted that the videos systems can be used for external law enforcement investigations and asked if there were parameters for that process. Ms. Landers clarified that any cooperation with law enforcement has to be authorized by MTS staff. Mr. Whitburn stated the number of cameras on the bus seem like a lot and asked if that was typical. Ms. Landers replied there are eight cameras including outside and inside of the buses. She noted that bigger buses have more cameras and are intended to provide a view of the entire bus to capture vehicle accidents and/or onboard passenger incidents.

Chair Montgomery Steppe inquired about a web portal or an email address in regards to intake process for video record requests. Ms. Landers stated that there is no video record request email but MTS does have a public records act email that goes to the legal department staff to review and process. Ms. Landers commented that MTS could add a section on how to request video and include contact information. Ms. Landers also stated that MTS could create a section on the website that talks about MTS video, how to request it and why it should be requested earlier rather than later.

#### Action Taken

No action taken. Informational item only.

#### 5. Director's Security Update (Al Stiehler)

Al Stiehler, Director of Transit Security & Passenger Safety, introduced himself then proceeded to provide his presentation. He discussed enhancements made to deployments, the new Training Sergeant position, de-escalation and anti-biased policing training, and the partnership (including training) with Psychiatric Emergency Response Team (PERT). Mr. Stiehler went on to discuss overdose cases and deaths in San Diego and around MTS property. He mentioned how in a few cases medics used Naloxone (Narcan) to help save a person's life. Mr. Stiehler mentioned he would like to equip MTS code compliance officers with this life saving medication and stated that MTS has been certified to use Naloxone (Narcan). Mr. Stiehler mentioned that MTS is just in the research stage and still need policies, supplies and training. He is proud to announce that MTS has instituted their first bus operations support team called Bus Enforcement Support Team (BEST) and what that entails. He discussed staffing and what will be posted for the Mid-Coast expansion. Mr. Stiehler mentioned the debut of the new code compliance uniforms and the positive feedback received thus far from the current beta deployment. He concluded his presentation with the partnerships that he has been working on developing since his arrival.

#### COMMITTEE COMMENTS

Ms. Galvez welcomed Mr. Stiehler and asked that he add Chula Vista Police Department and their Homeless Outreach Team to his partnership development list.

Mr. Elo-Rivera inquired about plans on centering racial justice and equity on the day to day work in transit security and enforcement. Mr. Stiehler stated that one of the roles for the Training Sergeant will be to provide trainings to remind all the officers of their role in the community and

how we have to be better partners. Ms. Cooney commented that MTS has pre-COVID-19 data on who is riding the transit system and is trying to come up with a way to safely determine the demographics of the people traveling with MTS during COVID-19. Ms. Cooney mentioned one of the initiatives that MTS is working on is ensuring enforcement practices are equitable and non-discriminatory.

Chair Montgomery Steppe asked about POST certification and if there is a target number for how many certified officers MTS should have on staff. Mr. Stiehler stated that it would make MTS less dependent on local law enforcement for following up on major incidents, but that it is a big policy decision that has not been discussed yet.

#### Action Taken

No action taken. Informational item only.

#### 6. Fare Evasion Diversion Program Update (Samantha Leslie and Karen Landers)

Ms. Landers introduced the presentation stating that MTS is still in the early days of the Diversion Program and with COVID-19, it is hard to put the data into context. She stated the goal is to get more people to take part in the program. Ms. Landers stated MTS is still gathering data and evaluating what this program means to MTS. She commented that the participation rate of this program is not an indication of the program and its success. Ms. Landers turned the presentation over to Samantha Leslie, Staff Attorney – Regulatory Compliance, who proceeded to give an overview of the Diversion Program and the data MTS is collecting. Ms. Leslie reviewed the data and results of the program to date.

Ms. Landers continued the presentation stating the program needs more people to participate. She stated MTS is not sure how much the COVID-19 pandemic is affecting participation in the program. Ms. Landers mentioned that MTS is trying to expand the existing pilot by submitting motions to dismiss to the court for citations that went to court after the 120-day period. Ms. Landers stated that MTS is looking into offering diversion for citations that were issued before the program was started. Ms. Landers mentioned that MTS is working with the Public Defender's Office to identify where MTS can participate and offer some post-conviction relief. She stated MTS is working with the Marketing department on conducting a ridership survey to collect data on current rider demographics and then work with a data scientist to make sure MTS is properly analyzing the data collected. Ms. Landers concluded her presentation with some next steps, which include developing new survey questions for code compliance inspectors and security officers to gain additional perspectives on the diversion program and developing more data gathering tools to help MTS evaluate the program.

#### PUBLIC COMMENT

*Cris Sotomayor* – Ms. Sotomayer stated how appreciative she is of the Diversion Pilot Program and hopes it will become permanent.

#### COMMITTEE COMMENTS

Ms. Galvez stated she would be interested in knowing where the individuals receiving multiple citations are heading to, such as school, work, shopping, etc. She is concerned with the large number of individuals who do not want to cooperate. She asked where the citations are being written and if these individuals are contacted for more than just fare evasion. Ms. Galvez asked

in regards to the refuse to cooperate contacts if those contacts were made onboard transit vehicles or sitting near a bus stop or platform. Ms. Landers stated it would have had to be in a paid fare zone or on a vehicle. Ms. Landers mentioned MTS may be able to work with the officers to potentially track whether contacts were onboard or in a station.

Mr. Elo-Rivera asked if there was any distinction between how a youth would be treated versus young adult/adults. Ms. Landers stated that MTS has a juvenile diversion program already in place. Ms. Leslie stated the juvenile diversion program is similar to the Fare Diversion Pilot Program and that the juveniles pay \$25 within 125 days and the citation does not go to court.

Mr. Whitburn asked what happens when a fare evader is detected and refuses to cooperate. Ms. Landers stated that the individual will have the opportunity to purchase a fare at that moment in lieu of being cited. She stated those that refuse to work with or cooperate with the officers mostly just walk away, but do not always leave the system.

Ms. Weber mentioned that she would like to see a breakdown of each city and the citations being issued in those districts. She stated it would be helpful to include that as a data point so MTS can be more focused on how to make improvements and identify who wants to utilize community organization assistance.

Chair Montgomery Steppe appreciates the next steps and appreciates MTS looking at the data set collected. She asked about the courts willingness to entertain the thought of having an automated program in the future. Ms. Landers stated that MTS asked the courts to do something a little more automatic and the response was that MTS could submit the motion to dismiss or the defendant could go to court with proof of completion of the diversion program. Ms. Landers stated that MTS will try to work with the individuals that have to go to court, but who also want to participate in the Diversion Program.

#### Action Taken

No action taken. Informational item only.

#### 7. COMMITTEE MEMBER COMMENTS

There were no committee comments.

#### 8. NEXT MEETING DATE

The next meeting date is scheduled for Thursday, May 13, 2021 at 2:00 p.m. [Clerk's Note: this meeting was subsequently cancelled and rescheduled to Friday, June 11<sup>th</sup> at 1:00pm.]

#### 9. ADJOURNMENT

The meeting was adjourned at 3:21 p.m.

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Chairperson

Attachment: A. Roll Call Sheet

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

ROLL CALL

MEETING OF (DATE) March 11, 2021

CALL TO ORDER (TIME) 2:01 p.m.

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

RECONVENE \_\_\_\_\_

ADJOURN 3:21 p.m.

COMMITTEE MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE	<input type="checkbox"/>		
ELO-RIVERA	<input checked="" type="checkbox"/>	2:00 p.m.	3:21 p.m.
GALVEZ	<input checked="" type="checkbox"/>	2:00 p.m.	3:21 p.m.
GLORIA	<input type="checkbox"/>	2:00 p.m.	3:21 p.m.
	WHITBURN <input checked="" type="checkbox"/>		
HALL	<input checked="" type="checkbox"/>	2:00 p.m.	3:00 p.m.
MONTGOMERY STEPPE	<input checked="" type="checkbox"/>	2:00 p.m.	3:21 p.m.
WEBER	<input checked="" type="checkbox"/>	2:26 p.m.	3:21 p.m.

SIGNED BY THE CLERK OF THE COMMITTEE:

Karen Wisniewski

CONFIRMED BY THE GENERAL COUNSEL:

Karen Carter



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## Agenda Item No. 4

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

June 11, 2021

#### SUBJECT:

SECURITY SERVICES – CONTRACT AWARD (SAM ELMER, AL STIEHLER AND  
LARRY MARINESI)

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Public Security Committee forward a recommendation to the MTS Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2359.0-20 with Inter-Con Security Services, for the provision of Security Services for three (3) base years with an option to extend for an additional two (2) years in the amount of \$66,004,286 (Attachment A).

#### Budget Impact

The amount for the three base years is \$38,438,349.00, and option years 4 and 5 are \$27,565,937.00, for a not to exceed total of \$66,004,286.00. The project will be funded by the MTS Security department's annual operating budget.

#### DISCUSSION:

MTS provides uniformed security personnel at various locations throughout MTS's service area to provide a safe environment for patrons and employees alike. These security personnel have the capability to respond to disturbances and emergencies affecting both trolley and bus services within the MTS service area.

A high-quality security team offers a physical presence serving as a visual and physical deterrent to suspicious and illegal behavior including assault, vandalism and graffiti activities as well as ambassadors of goodwill to MTS passengers.

Security personnel also work closely with MTS Code Compliance Inspectors to conduct fare inspections, which have proved effective in keeping the fare evasion rate at just over 3%. MTS has a current contract with Allied Universal, and the current contract terminates on December 31, 2021.





On June 6, 2020, MTS issued a Request for Proposals. Seven proposals were received by the due date of October 6, 2020 from the following:

1. Allied Universal Security Services
2. AllState Security Services, Inc.
3. American Guard Services, Inc.
4. Contact Security, Inc.
5. Inter-Con Security
6. Securitas Security Services
7. Starblast Corporation

Six proposals were deemed responsive and responsible and were evaluated by a committee comprised of representatives from MTS Security, MTS Finance, San Diego Trolley Inc., and the General Counsel's Office. The Starblast proposal was deemed non-responsive for an incomplete proposal submittal. The proposals were evaluated on the following:

- |  |      |
|--|------|
| 1. Qualifications of the Firm or Individual    | 20%  |
| 2. Staffing, Organization, and Management Plan | 15%  |
| 3. Work Plan                                   | 25%  |
| 4. Cost/Price                                  | 40%  |
| Total  | 100% |

The following table illustrates the total scores and ranking of each:

PROPOSER	TOTAL AVG. TECH. SCORE	INITIAL PRICE PROPOSAL	COST SCORE	TOTAL AVG SCORE Total Possible: 100	RANKING
Allied Universal	53.00	\$64,252,013	32.28	85.28	1
AllState Security	29.80	\$51,855,144	40.00	69.80	3
American Guard	31.90	\$76,048,743	27.27	59.17	5
Contact Security	25.00	\$67,295,577	25.00	55.82	6
Inter-Con Security	37.00	\$58,335,379	35.56	72.56	2
Securitas	39.60	\$84,018,912	24.69	64.29	4

After the initial review, the evaluation panel determined that additional clarifications and an interview should be held with the three firms that were within a competitive range. The three firms invited to participate in the interview process were; Allied Universal, Inter-Con Security and Securitas. Although AllState was ranked in the top three largely because of their low cost, their proposal was technically inferior and they were not invited to participate. Interviews were held on August 18, 2020 and after the interviews the evaluation committee determined that only two firms remained competitive, Allied Universal and Inter-Con, and a site visit would be necessary to best understand the difference between the firms.

Site visits were initially scheduled for December; however, they were postponed due to the impacts of COVID-19. In March of 2021, the evaluation committee was finally able to conduct the scheduled site visits at the Allied Universal and Inter-Con Security's offices.

At the end of these visits the evaluation team rescored the remaining proposers as follows:

PROPOSER	TOTAL AVG. TECH. SCORE	INITIAL PRICE PROPOSAL	COST SCORE	TOTAL AVG SCORE Total Possible: 100	RANKING
Allied Universal	41.20	\$64,252,013	32.28	73.48	2
Inter-Con Security	46.60	\$58,335,379	35.56	82.16	1
Securitas	39.60	\$84,018,912	24.69	64.29	3

The Evaluation Committee then determined that MTS should request additional clarifications and a Best and Final Offer (BAFO) from both Allied Universal and Inter-Con Security. The BAFO's were received on April 16, 2021 and the evaluation committee selected to begin negotiations with Inter-Con Security.

Inter-Con Security was selected because of the following:

- High retention employee rate amongst their current personnel at 97% which ensures a fully-staffed and trained workforce.
- Strong management team and back office support.
- Recruiting and training process that is thoughtful and well designed, and includes all training included in the RFP. Their use of technology to track training and certifications is visible to MTS with direct access to the system. They also propose a Total Quality Management (TQM) process to ensure all training is preformed properly.
- Strong use of technology that is highly visible to MTS staff which have system access.
- Thirty-seven (37) years in business working for both federal and state government entities in highly trained, highly visible posts.
- Proven track record for proper use of force, Inter-Con has not had any lawsuit that has ever been filed against Inter-Con alleging unlawful or unnecessary use of force, and that no judgment has ever been issued against Inter-Con relating to any such claim in the United States.
- Very strong transition plan with an experienced team.

MTS staff met with Inter-Con Security on May 6, 2021 to review contract pricing in relation to the current security service employee pay, upcoming State mandated minimum wage increases and with the goal of retaining many of the existing employees now and in the future. MTS staff determined that the Inter-Con proposed rates should be increased in order to meet these goals.

Based on the objectives of this procurement, consideration of the evaluation criteria and Inter-Con Security's technical and price proposals, the evaluation team determined that Inter-Con Security presented the best overall value to MTS.

Therefore, staff recommends that MTS Public Security Committee forward a recommendation to the Board to authorize the CEO to execute MTS Doc. No. G2359.0-20 with Inter-Con Security Services, for the provision of Security Services for three (3) base years with an option to extend for an additional two (2) years in the amount of \$66,004,286 (Attachment A).

/s/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Cost Breakdown

<b>Total Contract Cost (5 years)</b>	<b>\$ 66,004,286</b>
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# Recommend for Contract Award

## Contracted Security Services Inter-Con Security

MTS Public Security Committee  
June 11, 2021

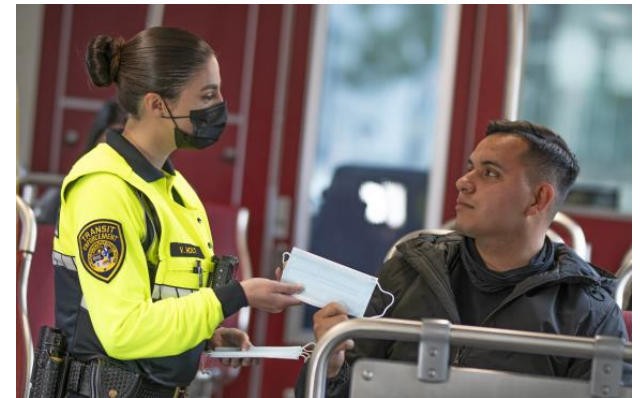
# Security Services

- MTS currently provides security services for all trolley vehicles and stations, busses, as well as all SDMTS properties and right of way
- Mix of MTS employees (CCI) and contracted services
- Including Mid-Coast the MTS Service area covers 570 square miles, 62 stations, 65 miles of rail
- The Transit Security and Passenger Safety Department is staffed by 10 management and administrative staff which manages 72 CCI's 15 CCI supervisors and 190 contracted security personnel



# Recent Updates to Security Service Protocols

- New uniforms
- New Training requirements
  - Biased Based Policing
  - De-escalation
  - Psychological Emergency Response Team (PERT) training
  - Mental Health/ First Aid Training
- Bus Enforcement Support Team
- Fare Diversion program
- Nalaxone (NARCAN) nasal spray





# Current Contract



- MTS entered into a contract with Allied Universal in 2016
- Onsite services managed by a Captain, 4 Lieutenants, 13 Sergeants.
- Contract provides 90 armed guards
- Contract provides 60 unarmed guards
- Contract expires 12/31/2021



# Solicitation

- On June 6, 2019, MTS issued a Request for Proposals (RFP) to solicit proposals from interested firms to provide security services.
- On October 6, 2021, MTS staff received 7 proposals from potential security firms
- One firm, Starburst, was deemed non-responsive
- Evaluation committee met to review and evaluate proposals

# Evaluation Criteria

- The evaluation committee reviewed the proposals with the following criteria:
  - Qualification of the Firm or Individual (20%)
    - Technical experience, strength and stability of the firm, references
  - Staffing, Organization, Management Plan (15%)
    - Qualifications of proposed staff, level of involvement of key personnel, staffing plan, division of work
  - Work plan (25%)
    - Contractor's understand of Scope of Work, proposed technology, ability to meet services as described.
  - Cost (40%)
    - Reasonableness of the cost, competitiveness of the proposed price in comparison with other offerors and the Independent Cost Estimate (ICE).

# Initial Scoring

- The initial scoring for the proposals was as follows:

PROPOSER	TOTAL AVG. TECH. SCORE	INITIAL PRICE PROPOSAL	COST SCORE	TOTAL AVG SCORE Total Possible: 100	RANKING
Allied Universal	53.00	\$64,252,013	32.28	85.28	1
Inter-Con Security	37.00	\$58,335,379	35.56	72.56	2
AllState Security	29.80	\$51,855,144	40.00	69.80	3
Securitas	39.60	\$84,018,912	24.69	64.29	4
American Guard	31.90	\$76,048,743	27.27	59.17	5
Contact Security	25.00	\$67,295,577	25.00	55.82	6

# Clarifications, Interviews, Site Visits

- The evaluation determined that the following firms be invited to submit clarifications and participate in an on-site interview:
  - Allied Universal
  - Inter-Con
  - Securitas
- Interviews were held on August 18, 2021 and after the interviews the evaluation committee determined that only two firms should continue in the evaluation process: Allied Universal and Inter-Con.
- Additional clarifications and site visits were scheduled and then postponed due to COVID-19
- Site visits were rescheduled and held on March 17, 2021 and March 18, 2021
- After the site visits and review of clarifications the evaluation Committee scored the shortlisted proposers as follows:

# Updated Scoring

PROPOSER	TOTAL AVG. TECH. SCORE	INITIAL PRICE PROPOSAL	COST SCORE	TOTAL AVG SCORE Total Possible: 100	RANKING
Inter-Con Security	46.60	\$58,335,379	35.56	82.16	1
Allied Universal	41.20	\$64,252,013	32.28	73.48	2
Securitas	39.60	\$84,018,912	24.69	64.29	3

# Strengths of Inter-Con's Proposal

- High retention employee rate amongst their current personnel at 97%.
- Strong management team and back office support.
- Recruiting and training process that is thoughtful and well designed, and includes all training included in the RFP.
- Very strong transition plan with an experienced team
- Use of technology to track training and certifications is visible to MTS with direct access to the system.
- Thirty-seven (37) years in business working for both federal and state government entities in highly trained, highly visible posts.
- Proven track record for proper use of force, Inter-Con has not had any lawsuit that has ever been filed against Inter-Con alleging unlawful or unnecessary use of force, and that no judgment has ever been issued against Inter-Con relating to any such claim in the United States.

# Best and Final Offer (BAFO) and Negotiations

- On April 16, 2021, MTS received a Best and Final Offer from Allied Universal and Inter-Con.
- Upon review of the BAFOs, the Evaluation Committee selected to enter into negotiations with Inter-Con
- Negotiations were held with Inter-Con on May 6, 2021.

# Protest

- On May 27, 2021, MTS staff received a protest from Allied Universal
- MTS responded to the protest on June 3, 2021
- MTS received a request for the CEO to reconsider the protest on June 8, 2021
- MTS CEO is expected to respond to the Allied Request by Friday June 11<sup>th</sup>.
- Pending the CEO decision, Allied has the final option to appeal directly to the Board of Directors.



# Total Estimated Cost

- Total cost of the contract is as follows:

Category	Total FTEs	Year 1	Year 2	Year 3	Year 4	Year 5	5-Year Total
Armed Security Personnel	96.0	\$ 5,893,923	\$ 6,068,972	\$ 6,249,221	\$ 6,434,823	\$ 6,625,937	\$ 31,272,876
Armed Lieutenant (Mid-level Mgrs)	3.0	257,859	265,518	273,403	281,523	289,885	1,368,188
Armed Sergeant (Supervisors)	13.0	897,902	924,570	952,030	980,305	1,009,420	4,764,227
Unarmed Personnel	61.0	2,996,077	3,085,061	3,176,687	3,271,035	3,368,185	15,897,045
Dispatch / CCTV Personnel	11.0	575,578	592,673	610,275	628,401	647,064	3,053,992
Armed Captain (On-site Manager)	1.0	132,828	136,773	140,835	145,018	149,325	704,780
Administration	4.0	306,975	316,092	325,480	335,147	345,101	1,628,796
Training Personnel	1.0	85,953	88,506	91,134	93,841	96,628	456,063
Special Event Staff	-	221,376	227,951	234,721	241,693	248,871	1,174,612
Blended Overtime		851,902	877,204	903,257	930,083	957,707	4,520,152
<b>Total Base Services</b>	<b>190.0</b>	<b>\$ 12,220,375</b>	<b>\$ 12,583,320</b>	<b>\$ 12,957,045</b>	<b>\$ 13,341,869</b>	<b>\$ 13,738,122</b>	<b>\$ 64,840,731</b>
<b>Total Fixed Costs</b>		219,292	225,805	232,512	239,417	246,528	1,163,555
<b>Total Contract Costs</b>		<b>\$ 12,439,667</b>	<b>\$ 12,809,125</b>	<b>\$ 13,189,556</b>	<b>\$ 13,581,286</b>	<b>\$ 13,984,651</b>	<b>\$ 66,004,286</b>

- Includes 3.0% annual inflation for contract term.
- Incorporated fixed/variable contract structure to minimize fixed cost price changes on fluctuating volume of services.
- Year 1 rates for key personnel:
  - Unarmed (\$16.00), Armed (\$20.00), Supervisors (\$22.50), Managers (\$28.00)

# Inter-Con Security

- Introduction of Henry Hernandez, President and CEO of Inter-Con



## Recommendation

That the San Diego Metropolitan Transit System Public Safety Committee recommend to the MTS Board of Directors to authorize the Chief Executive Officer (CEO) to execute a contract with Inter-Con Security for the provision of security services throughout the MTS service area as outlined in the scope of work for a period of three years and an option for two additional years in the amount of \$66,004,286.



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## Agenda Item No. 5

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

June 11, 2021

#### SUBJECT:

SECURITY AND PASSENGER SAFETY COMMUNITY ADVISORY GROUP  
GUIDELINES (JULIA TUER)

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Public Security Committee:

- 1) Receive a report on the draft Security and Passenger Safety Community Advisory Group Guidelines; and
- 2) Provide feedback to staff.

#### Budget Impact

None with this action.

#### DISCUSSION:

In October 2020, MTS requested the American Public Transportation Association (APTA) to convene a Peer Review Panel to assist in evaluating the MTS security and enforcement system. The APTA Peer Review Panel was composed of industry experts and senior executive professionals from within the public transit industry. The panel provided advice, guidance, benchmarking and best practices to assist MTS in reviewing its security enforcement systems and practices. One of the recommendations provided by the panel was to institute a community advisory group to solicit advice and input from transit riders and community stakeholders. Based on the panel recommendation and further instruction from the MTS Public Security Committee, MTS staff drafted guidelines to establish and define the rules of procedures for a Security and Passenger Safety Community Advisory Group.



Staff will provide a presentation on the draft guidelines and seek feedback from the Committee.

/s/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Draft Security and Passenger Safety Community Advisory Group Guidelines



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## **SAN DIEGO METROPOLITAN TRANSIT SYSTEM SECURITY AND PASSENGER SAFETY COMMUNITY ADVISORY GROUP GUIDELINES**

### **I. Duties**

The duties of the Security and Passenger Safety Community Advisory Group (CAG) are advisory. These duties include the following:

- a. Provide feedback to the Public Security Committee related to security and passenger safety practices throughout the MTS system.
- b. Act as a resource to the Public Security Committee to review proposed security and passenger safety policies and procedures.
- c. Provide recommendations to the Public Security Committee on security and passenger safety policies and procedures.
- d. Review, comment, and provide recommendations on special proposed programs and projects forwarded to the CAG by the Public Security Committee.

### **II. Membership and Term**

Individuals interested in being a representative of the CAG will be required to complete a CAG Vacancy Application. CAG Vacancy Application forms will be posted on the MTS website *[insert link to specific website landing page]*. The MTS Chief Executive Officer (CEO) and designated staff will review and assess the applications submitted to the agency. The CEO will present the slate of recommended CAG representatives to the Chair of the Public Security Committee. Membership to the CAG will include twelve (12) voting members, comprised of the following representatives:

- a. One (1) South Bay resident transit rider;
- b. One (1) East County resident transit rider;
- c. Two (2) City of San Diego resident transit riders;
- d. Two (2) educators with a primary study focus in public safety;
- e. One (1) business or tourism professional



- f. One (1) Social Service Agency professional, which could include public defenders or other court personnel
- g. One (1) Public Safety professional or consultant
- h. One (1) Disabled Community Advocate
- i. One (1) Community Advocacy Group member
- j. One (1) representative appointed by the Executive Director of the Regional Task Force on the Homeless\*

The term of membership for each committee representative shall be three (3) years. Committee representatives may be reappointed for successive terms. Representatives who wish to reapply to the committee after the conclusion of their term as well as any new individuals who would like to apply for a vacant seat on the CAG, must complete a CAG Vacancy Application. The CEO and designated staff will review and assess the applications. The CEO will present a slate of recommended CAG representatives to fill the vacant seats to the Chair of the Public Security Committee. The CEO and Chair of the Public Security Committee will approve all vacant seat appointments to the CAG.

\*This seat will not be required to complete a CAG Vacancy Application as the Executive Director of the Regional Task Force on the Homeless will be asked to appoint one representative to the CAG for a term of three (3) years.

### III. Chair

The Chair shall be elected for a one-year term by the members of the CAG at the first meeting of the calendar year and each year thereafter. There will be no limits to how many times a Chair may be reelected. The Chair shall be elected by a simple majority vote of the CAG members, a quorum being present.

### IV. Vice Chair

The Vice Chair shall be elected for a one-year term by the members of the CAG at the first meeting of the calendar year and each year thereafter. There will be no limits to how many times a Vice Chair may be reelected. The Vice Chair shall be elected by a simple majority vote of the CAG members, a quorum being present. The Vice Chair shall preside in the absence of the Chair.

### V. Meetings

Regular meetings of the CAG shall take place at least three times per year at the offices of MTS. Meetings will be subject to the provisions of the Ralph M. Brown Act, California Government Code, Section 54950, et. seq.

### VI. Agendas

CAG meeting agendas shall be set by MTS staff with input from the Chair of the CAG. Agendas shall be prepared and posted in accordance with the Ralph M. Brown Act.

VII. Quorum Requirements

A majority of the members of the CAG shall constitute a quorum. There are twelve (12) members of the CAG. A least seven (7) members of the CAG must be present to constitute a quorum. The CAG may not take any formal action without the majority of its members present. A simple majority vote of the CAG members, a quorum being present, will approve an item.

VIII. Attendance Policy

Attendance at CAG meetings is a condition of appointment. Members should not accept their appointment to the CAG if they are not able to regularly attend meetings. If a CAG member has two consecutive unexcused absences in a row, the member may be automatically vacated from the position.

IX. Resignations

Members of the CAG who wish to resign shall submit a written resignation to the CEO. If possible, the resignation notification should allow for at least a thirty-day notice in order for MTS to post and receive CAG Vacancy Application submittals to appoint a replacement CAG representative.

X. Approval of the CAG Guidelines

The adoption of, and any revisions to, the CAG Guidelines shall be approved by the MTS Board of Directors.

Exhibit – CAG Vacancy Application

Originally adopted by the MTS Board of Directors on **TBD**.





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**San Diego Metropolitan Transit System (MTS)  
Security and Passenger Safety Community Advisory Group**

**CAG Vacancy Application**

Applications are being accepted from individuals who are interested in volunteering to serve on MTS's Security and Passenger Safety Community Advisory Group (CAG). The CAG has been established to advise the MTS Public Security Committee regarding security and passenger safety practices throughout the MTS system.

The CAG will meet at least three times per year in the MTS Board Room, located at 1255 Imperial Avenue, Suite 1000 (10<sup>th</sup> Floor) San Diego CA 92101. Committee representatives serve a term of three (3) years and may be reappointed thereafter.

**Currently, MTS is looking to fill the following seat(s) on the CAG:**

- **One (1) South Bay resident transit rider;**
- **One (1) East County resident transit rider;**
- **Two (2) City of San Diego resident transit riders;**
- **Two (2) educators with a primary study focus in public safety;**
- **One (1) business or tourism professional**
- **One (1) Social Service Agency professional, which could include public defenders or other court personnel**
- **One (1) Public Safety professional or consultant**
- **One (1) Disabled Community Advocate**
- **One (1) Community Advocacy Group member**
- **One (1) representative appointed by the Executive Director of the Regional Task Force on the Homeless\***

*\*This seat will not be required to complete a CAG Vacancy Application as the Executive Director of the Regional Task Force on the Homeless will be asked to appoint one representative to the CAG for a term of three (3) years.*



Appointments are made at the discretion of the MTS Chief Executive Officer. Interested persons should complete the attached application. Completed Applications must be submitted via mail or email by **[insert due date]** to:

Dalia Gonzalez  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101  
[Dalia.Gonzalez@sdmts.com](mailto:Dalia.Gonzalez@sdmts.com)

If you have any questions regarding the application or if you need this information available in an alternate format, please contact Dalia Gonzalez, Clerk of the Board, at 619-398-9561 or [Dalia.Gonzalez@sdmts.com](mailto:Dalia.Gonzalez@sdmts.com).

*Your completed application may be subject to public disclosure per the California Public Records Act.*

Application Information			
<b>First Name</b>		<b>Last Name</b>	
<b>Phone</b>		<b>Email</b>	
<b>Street Address</b>			
<b>City, State, Zip</b>			

**Please answer each question as completely as possible. Responses to the following questions may be printed or typed in the space below or attached on a separate sheet of paper.**

1. *Please select which seat you would like to be considered for to sit on the CAG (please only select one option):*

<input type="checkbox"/>	South Bay resident transit rider
<input type="checkbox"/>	East County resident transit rider
<input type="checkbox"/>	City of San Diego resident transit rider
<input type="checkbox"/>	Educator with a primary study focus in public safety
<input type="checkbox"/>	Business or tourism professional
<input type="checkbox"/>	Social Service Agency professional, which could include public defenders or other court personnel
<input type="checkbox"/>	Public Safety professional or consultant
<input type="checkbox"/>	Disabled Community Advocate
<input type="checkbox"/>	Community Advocacy Group member

2. *Are you currently an MTS rider? If yes, how frequently do you ride?*

--

3. *Why do you want to become a member of the Security and Passenger Safety Community Advisory Group?*

4. *Are there other committees/groups that you sit on, or are a part of, elected or not? If yes, please list.*

5. *Describe your participation in other community activities and advocacy groups.*

6. *If selected, would you be willing to commit to attending three scheduled meetings per year?*

\_\_\_\_\_  
**Applicants Name (Please Print)**

\_\_\_\_\_  
**Applicants Signature**

**Date:** \_\_\_\_\_

# Security and Passenger Safety Community Advisory Group Guidelines

MTS Public Security Committee

June 11, 2021

# Background

- APTA Peer Review Panel – October 2020
- Evaluation of MTS security and enforcement system
- Provided advice, guidance, benchmarking and best practices
- Recommended to institute a security-related community advisory group

# Draft Guidelines

- Reviewed internal and external committee guidelines to draft outline
  - Duties
  - Membership and Term
  - Chair
  - Vice Chair
  - Meetings
  - Agendas
  - Quorum Requirements
  - Attendance Policy
  - Resignations

# Duties – Security and Passenger Safety Community Advisory Group (CAG)

- Duties of CAG are advisory
- Provide feedback on security and passenger safety practices
- Act as a resource to Public Security Committee
- Provide recommendations on policies and procedures
- Review, comment, and provide recommendations on special proposed programs and projects

# Membership and Term - CAG

- Twelve (12) voting members; three (3) year terms:

One (1) South Bay resident transit rider

One (1) East County resident transit rider

Two (2) City of San Diego resident transit riders

Two (2) educators with a primary focus in public safety

One (1) business or tourism professional

One (1) Social Service Agency professional (may include public defenders or other court personnel)

One (1) Public Safety professional or consultant

One (1) Disabled Community Advocate

One (1) Community Advocacy Group member

One (1) representative appointed by Exec. Dir. of the Regional Task Force on the Homeless



# CAG Vacancy Application

- Application for members of the public interested in volunteering to serve on CAG
- Indicate which seat to be considered for to sit on CAG
- MTS rider? How frequent?
- Reason for wanting to be a member of CAG
- Participation in other committees/groups?
- Confirm attendance/participation commitment

# CAG Vacancy Application

- Outreach
  - Board Member Toolkit
  - Community Advisory Committee (CAC)
  - Community Groups
  - MTS Website/Social Media
- Evaluation of applications
  - CEO and designated staff
  - Chair of the Public Security Committee

# Chair and Vice Chair

- Elected by the members of the CAG at first meeting of the year
- 1 year term
- No limits for reelection

# Meetings / Agendas / Quorum

- Meetings at least three (3) times per year
- Subject to Ralph M. Brown Act
- Meeting agendas will be set by MTS and Chair of CAG
- Quorum will be at least seven (7) members present

# Attendance / Resignation

- Meeting attendance is a condition of appointment
- Resignations should be submitted as early as possible
  - CAG Vacancy Application will be posted for any open seats

# Next Steps

- Receive feedback on draft CAG Guidelines and Application
- Forward CAG Guidelines to Board of Directors for final approval
- Once approved, CAG Guidelines and CAG Application will be posted for 45 days for members of the public to apply
- CEO and Chair of Public Security Committee will make appointments to the CAG



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## Agenda Item No. 6

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

June 11, 2021

#### SUBJECT:

DIRECTOR'S SECURITY UPDATE (AL STIEHLER)

#### INFORMATIONAL ONLY:

Budget Impact

None with this action

#### DISCUSSION:

The Director of Transit Security and Passenger Safety will provide information and updates regarding initiatives that are currently underway and new projects to be implemented that will enhance the transportation environment for our customers and employees.

/s/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com





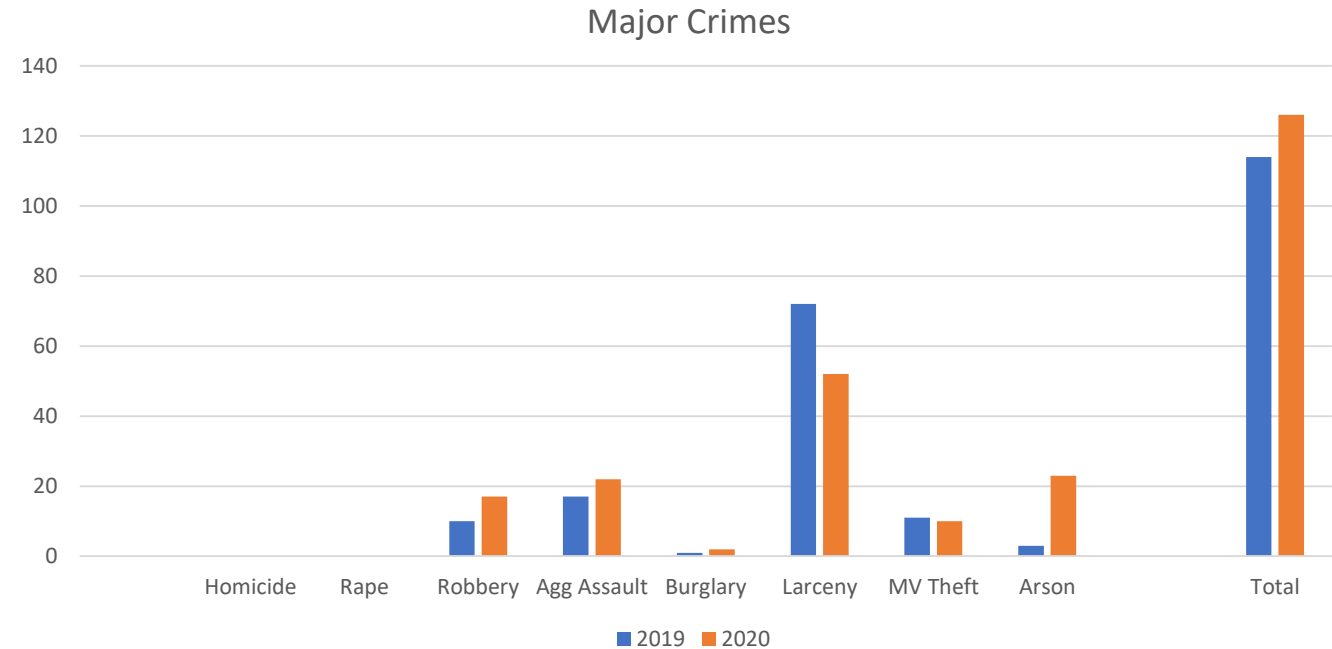
# Public Security Committee Director's Report

June 11, 2021



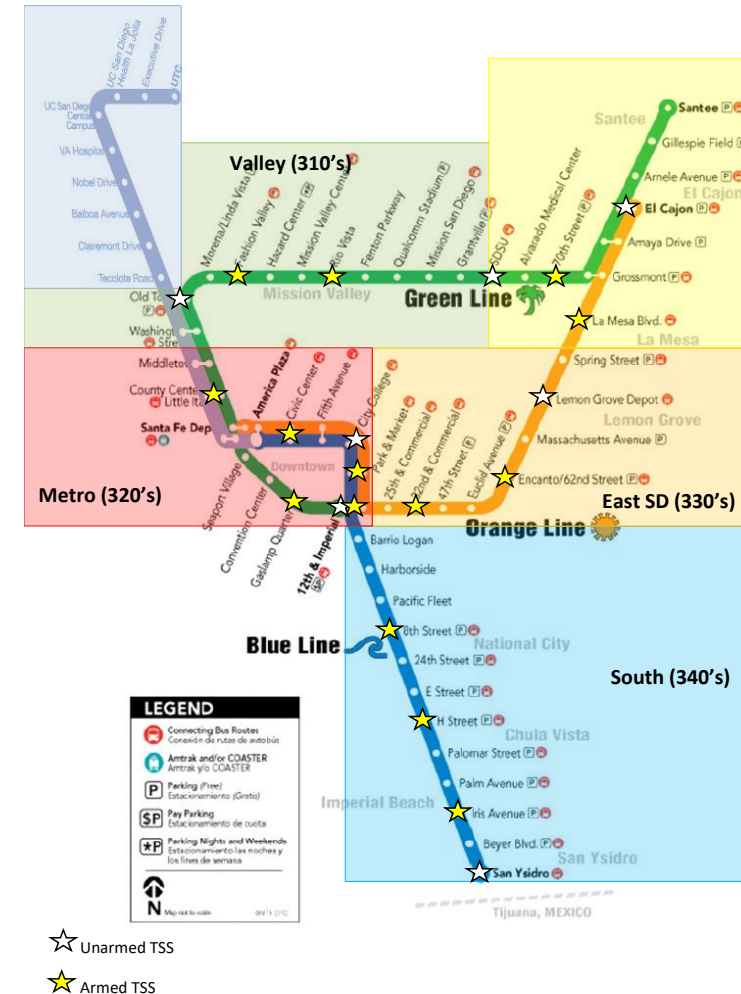
# Crime Data

Crimes	2019	2020
Homicide	0	0
Rape	0	0
Robbery	10	17
Agg Assault	17	22
Burglary	1	2
Larceny	72	52
MV Theft	11	10
Arson	3	23
<b>Total</b>	<b>114</b>	<b>126</b>



# Deployments

- Strategic change effective 4/26/2021
  - Code Compliance Inspectors in two-person teams riding trains
  - TSS personnel at fixed post at stations
  - Provides for higher visibility OBT
  - Increases the amount of times a train receives a security inspection
  - Reduces response times



# Training

- Psychiatric Emergency Response Team (PERT) Training
  - 90-minute introduction course
    - 59 Code Compliance Inspectors
    - 44 Transit System Security Officers

# Training (cont.)

- Mental Health First Aid Training
  - Provided by Mental Health America of San Diego County
  - Designed to give participants the tools to respond to psychiatric emergencies until professional help arrives and to improve mental health literacy
  - Course being modified specifically for MTS personnel

*Mental Health  
First Aid Training*

# Training (cont.)

- De-escalation Training
  - Provided by the San Diego District Attorney's Office
    - Five Core Values of Truth
      - People feel the need to be respected
      - People would rather be asked than told
      - People have a desire to know why
      - People prefer to have options over threats
      - People want to have a second chance



# Training (cont.)

- California P.O.S.T. Supervisors School
  - 3 Supervisors
  - 80 hours
- CPR
  - Certification updates

# Training (cont.)



- Roll Call Training
  - Positional Asphyxia – Sudden Death Prevention
- OC Spray – overview and safety measures
- Fentanyl and Opioid overdose awareness

# Naloxone (Narcan)

- Naloxone is a potent life-saving medication that can rapidly reverse the effects of an opioid overdose
  - Blocks the opioid receptors in the brain
  - Works to reverse an overdose involving opioids
  - Very safe drug and will not adversely impact someone who has overdosed on other drugs or alcohol





# Naloxone (Narcan) cont.

- Project Status
  - Research Phase
    - Policies
      - Being drafted
    - Training
      - Outline completed
    - Supply
      - 48 doses received for use in pilot program
  - Implementation expected to be July 1, 2021

# Bus Enforcement Support Team (B.E.S.T.)

- Team started operations March 7, 2021
  - 225 Calls for service
  - 153 Buses met



# Bus Enforcement Support Team (B.E.S.T.)

- 383 Bus stops inspected
  - 34 Individuals accepted outreach information
  - 32 Refused information



# Mid Coast Expansion

- MTS will take over responsibility for the line on June 28, 2021
  - Lower three stations will be complete
  - Work will continue on remaining stations
- All stations to be completed by September 16, 2021
- Service begins November 2021



# Mid Coast Expansion (cont.)

- 4 Sergeants selected
  - Xavier Herrera
  - Priscilla Serrano
  - Sergio Iniguez
  - Marc Vargas



# Mid Coast Expansion (cont.)

- 13 CCI Positions
  - Posting ended April 16<sup>th</sup>
    - Over 100 applicants
    - 42 offered phone interviews (22 current TSS Officers)
    - Personality Profile Analysis (PPA) Assessment
    - Final Interviews
  - Candidates Selected
    - Seven to be hired on June 14<sup>th</sup>. Six to be hired on July 6<sup>th</sup>.
  - Training
    - 120 classroom hours
    - 160 field training hours

# Partnership Development

## Downtown San Diego Partnership

- Joint Outreach Pilot
  - 12<sup>th</sup> and Imperial
  - Mondays and Wednesdays
    - 9AM to 11AM



# Partnership Development (cont.)

## National Thought Partners

- Transportation agencies from:
  - RTD Denver, DART, BART, OCTA, TriMet, Capital Metro, Marta, Houston Metro
- Discussions regarding homelessness SPECIFIC to transportation agencies
  - Outreach efforts
  - Training
  - Campsites
  - Property encroachment
  - Health and safety





# Partnership Development (cont.)

## RailSafe

- National Program
- Partnership of public safety officers from federal, state, and local agencies
- Deployment at passenger rail and transit stations, and along the right-of-way, to exercise counterterrorism and incident response capabilities.
- This coordinated effort involves activities such as heightened station and right-of-way patrols, increased visibility onboard trains, and explosives detection canine sweeps.
- Next event is July 3<sup>rd</sup>.



# National Public Safety Telecommunicators Week

- April 11<sup>th</sup> through April 17<sup>th</sup>
  - Started in 1981 in Contra Costa County, California
  - 1994 Proclamation by President Clinton
  - A time to celebrate and thank those who dedicate their lives to serving the public. A week designated to recognize their hard work and dedication.



# Questions?



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## Agenda Item No. 7

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

June 11, 2021

#### SUBJECT:

FARE EVASION DIVERSION PROGRAM (SAMANTHA LESLIE)

#### RECOMMENDATION:

That the Public Security Committee forward a recommendation to the Board of Directors to extend the Fare Evasion Diversion Program Pilot by twelve (12) months, until August 31, 2022.

#### Budget Impact

None with this action.

#### DISCUSSION:

The Fare Evasion Diversion Program Pilot (Diversion Program) began on September 1, 2020 and is set to expire on August 31, 2021. It is unclear what impact the COVID-19 pandemic has had on the success of the Diversion Program thus far. Staff proposes a twelve (12) month extension of the Diversion Program, until August 31, 2022. An extension would allow additional time to evaluate the effectiveness of the Diversion Program and identify if any changes to Diversion Program are necessary.

Staff will also present recently collected data for the Diversion Program.

/s/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

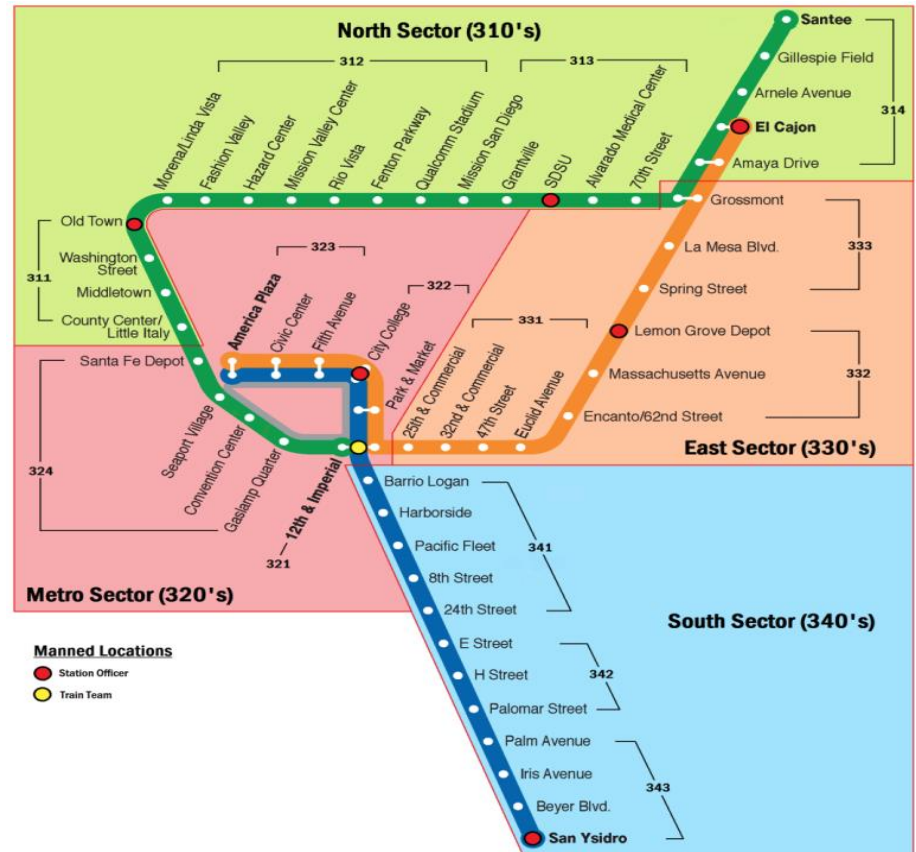


# Fare Evasion Diversion Program Update Agenda Item No. 7

Public Security Committee Meeting  
June 11, 2021

# Fare Enforcement Overview

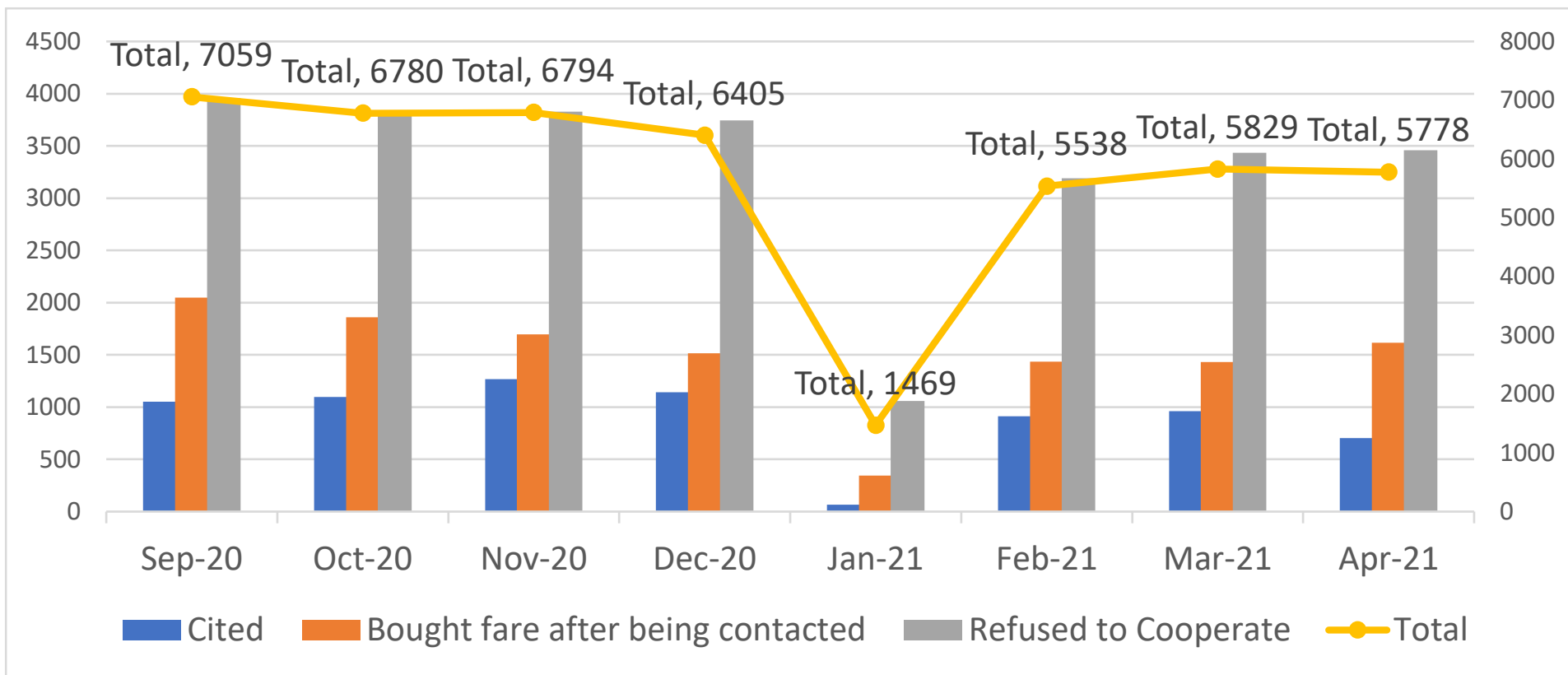
- Valid proof of fare required to use all MTS services.
- CCI and TSS Officers request proof of valid fare on platforms, trolley vehicles, as well as on buses.
- Deployment based on a Beat System.



# Fare Enforcement Overview Cont.

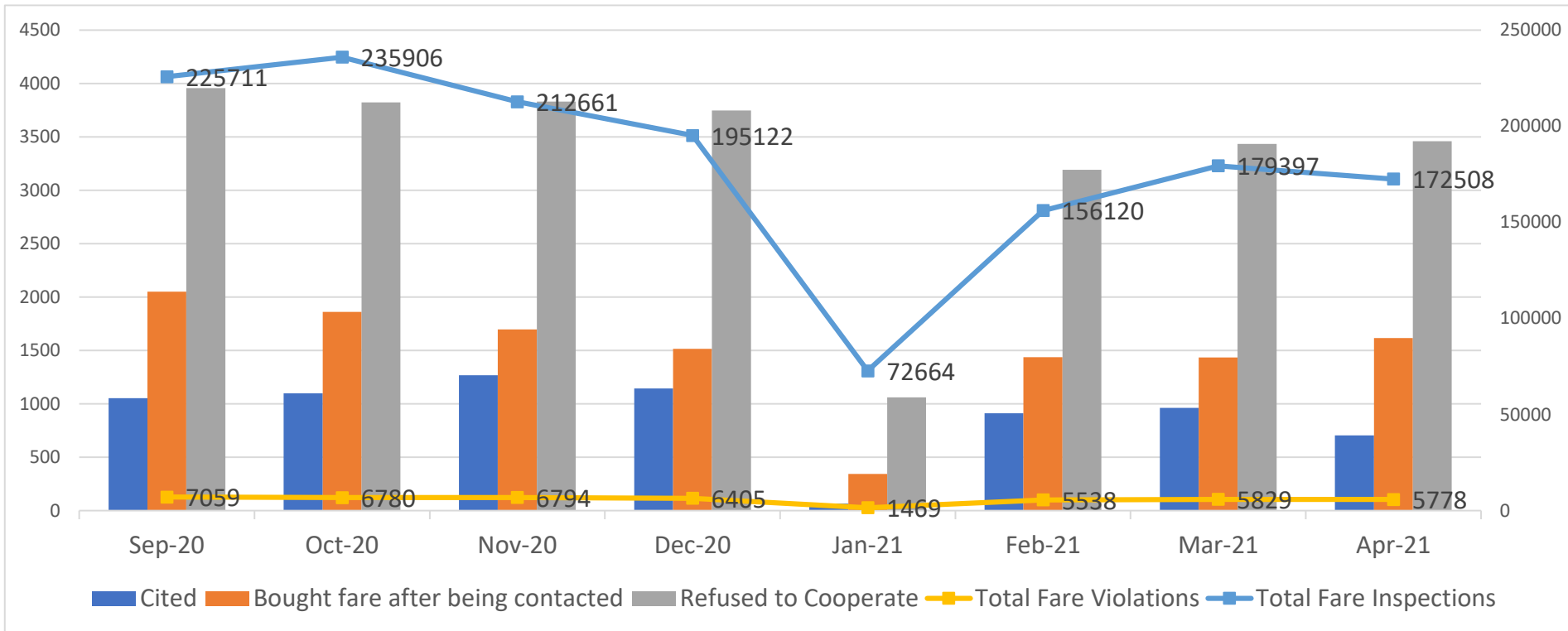
- If found without valid fare:
  - 1) Offered the chance to purchase fare at ticket vending machine or on cell phone.
  - 2) If decline to purchase fare, cited by CCI and may complete Diversion Program Options in order to avoid court.
    - Pay \$25 fine within 120 days;
    - 3 hours of community service within 120 days; or
    - Appeal within 15 days

# Result of Fare Violation Contact – By Month





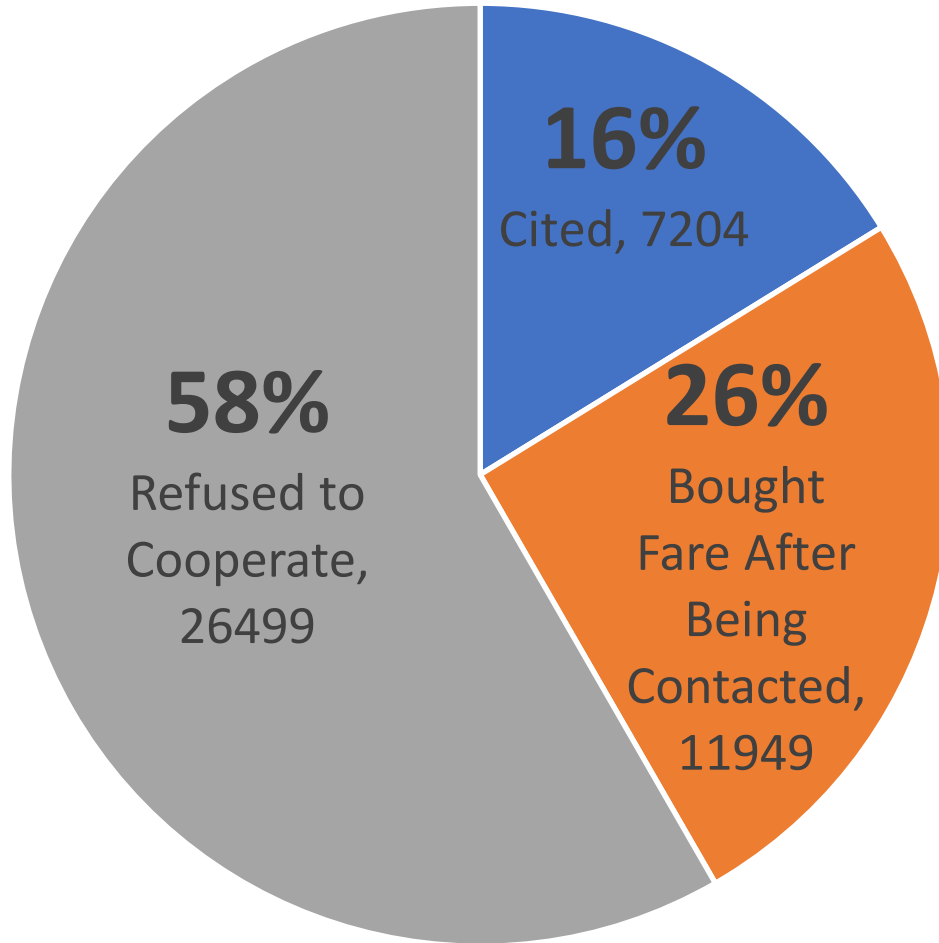
# Result of Fare Violation Contact – By Month (w/ Total Inspections)



# Result of Fare Violation Contact

Total Fare  
Inspections  
Sept 20 –April 21:  
1,450,089

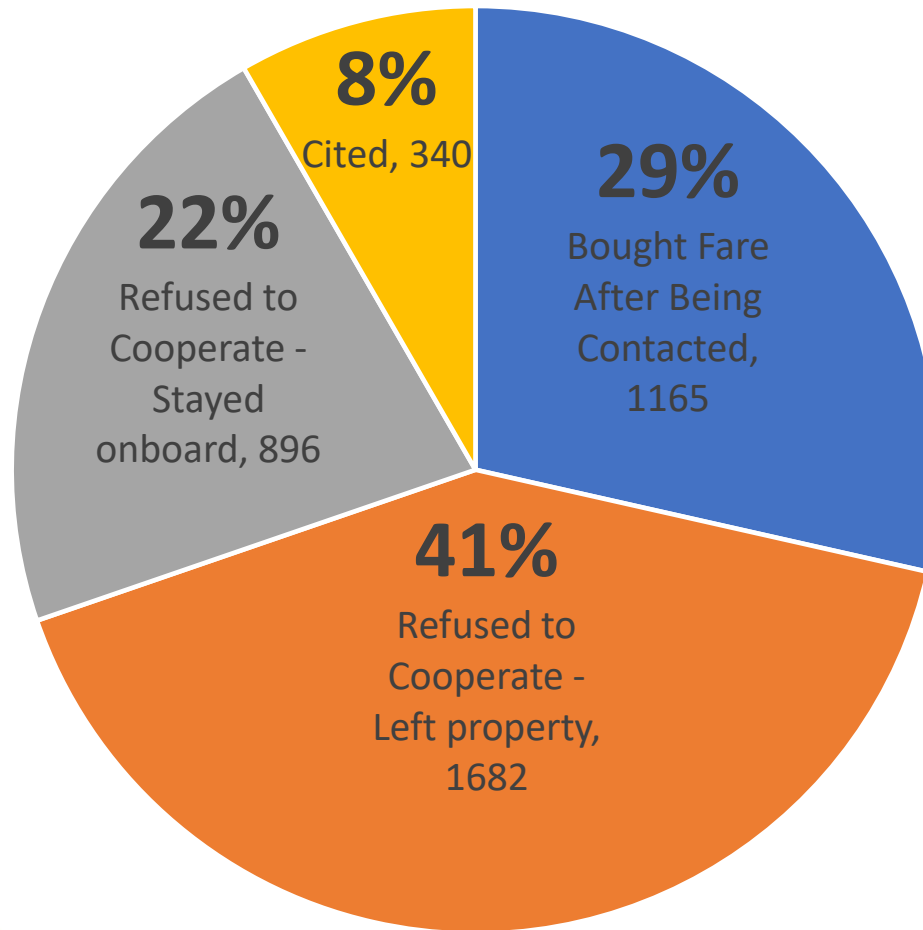
Total Fare  
Violations  
Sept 20 – April 21:  
45,652



# Result of Fare Violation Contacts Onboard Vehicle - April Only

Total Onboard Fare  
Inspections in April:  
79,464

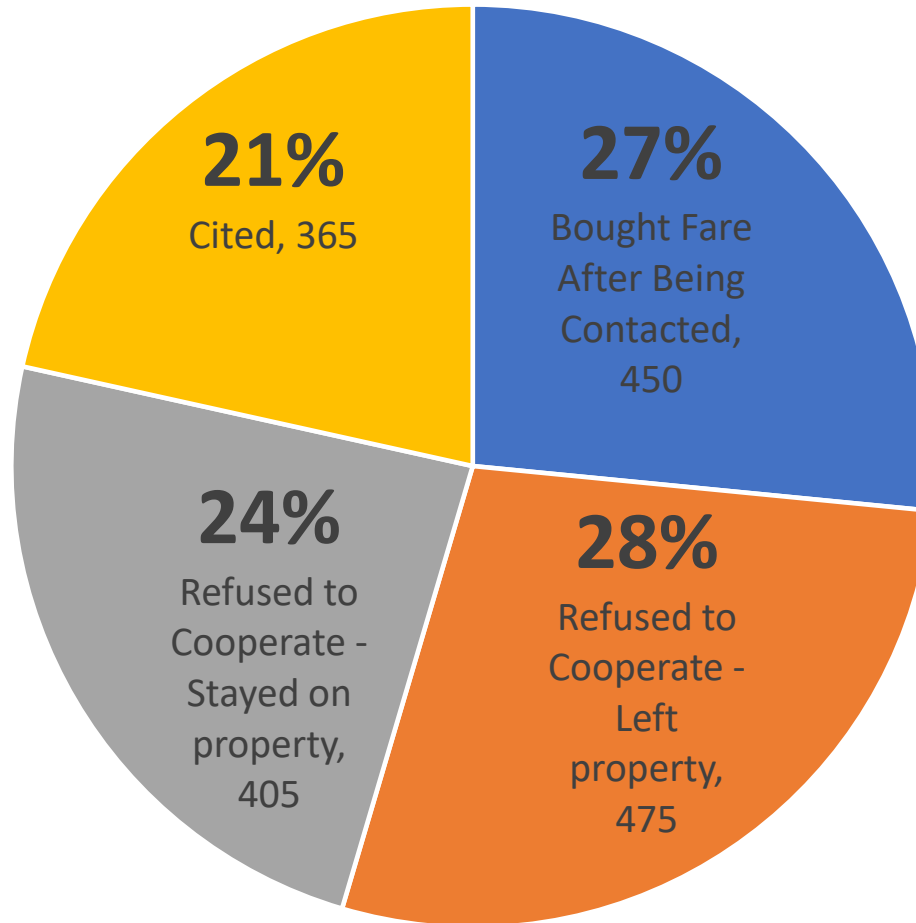
Total Onboard Fare  
Violations in April:  
4,083



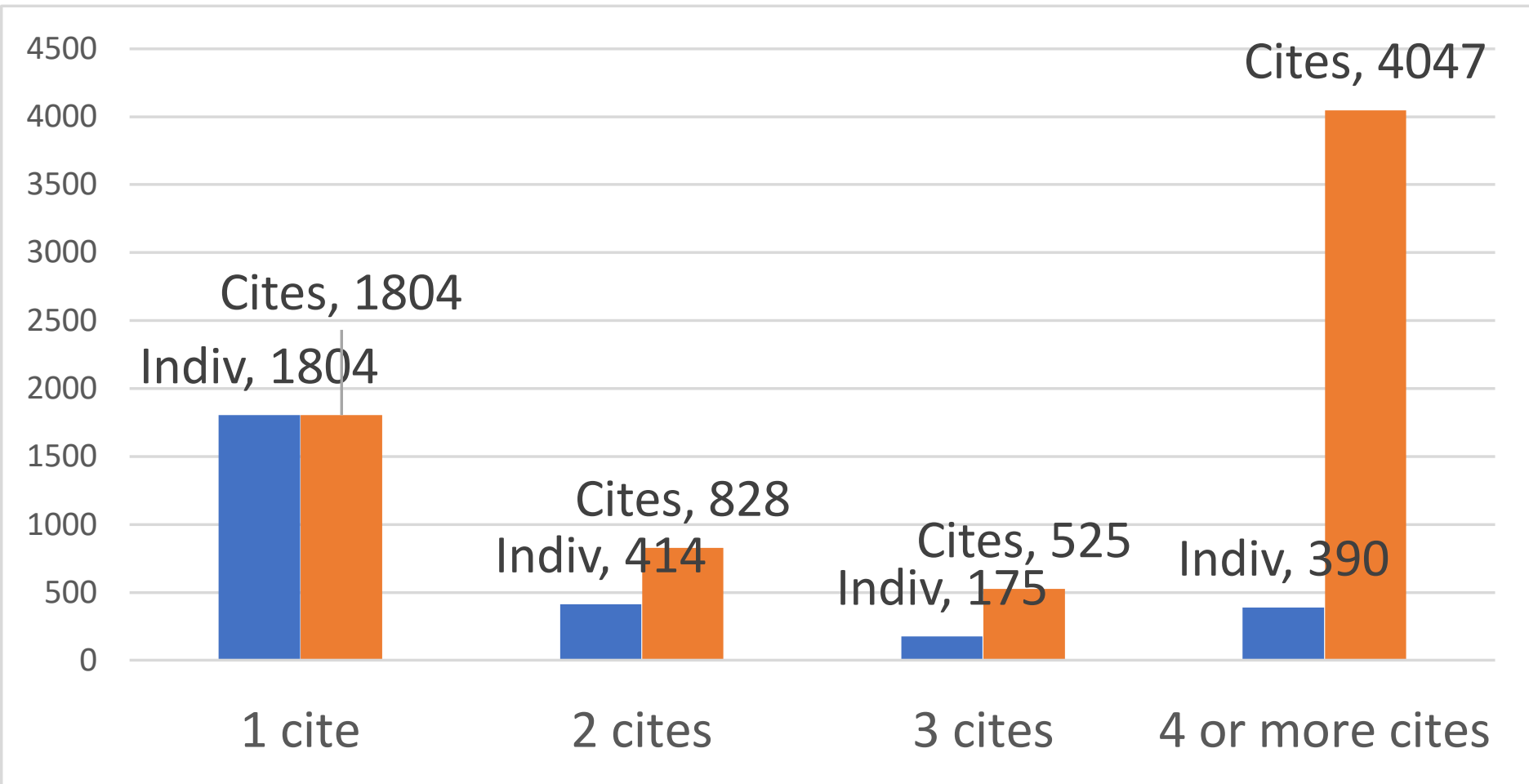
# Result of Fare Violation Contact at Paid Fare Zones – April Only

Total Paid Fare Zone  
Inspections in April:  
92,862

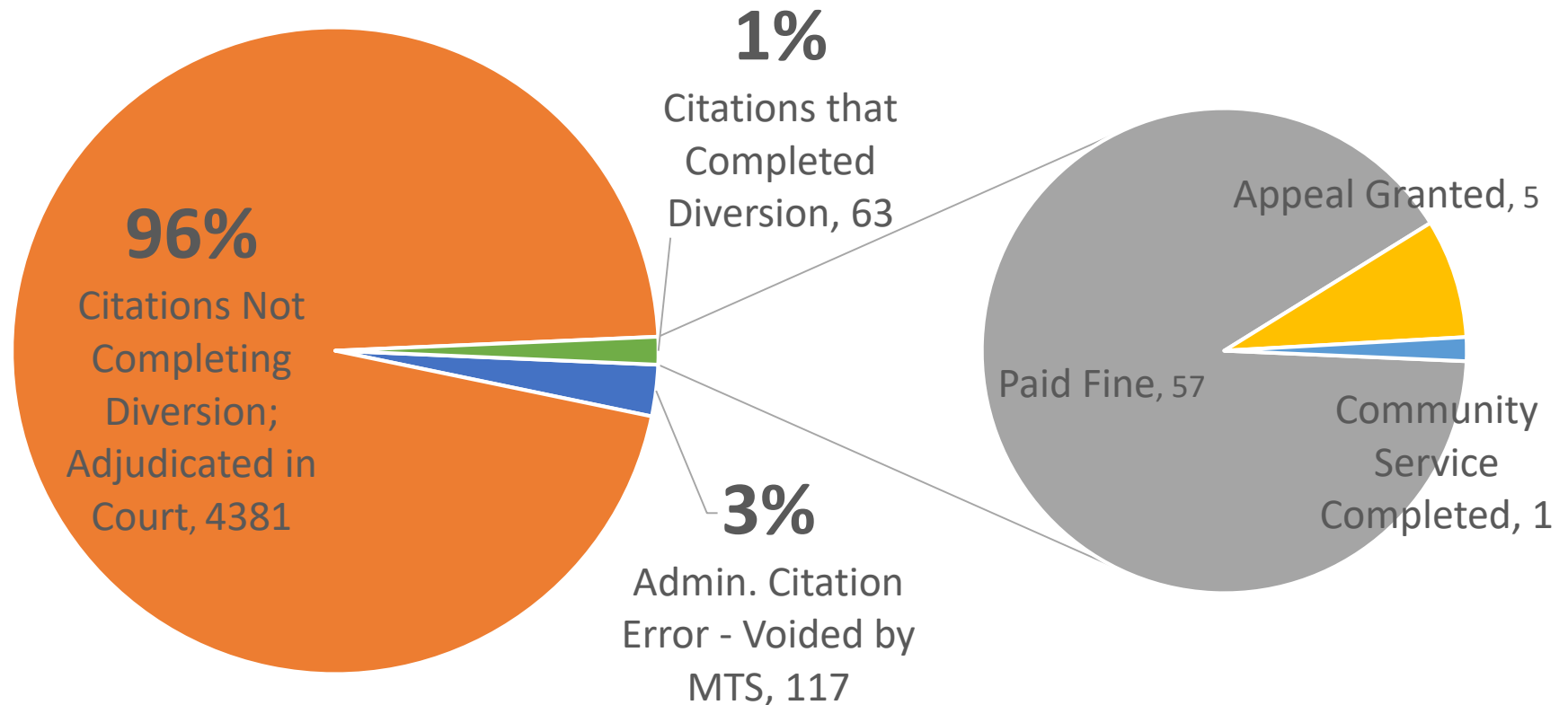
Total Paid Fare Zone  
Fare Violations in  
April:  
1,695



# Frequency of Citations



# Diversion Program Participation – Sept., Oct., Nov., Dec. Issued Cites



# Diversion Program Participants – Survey Response

- Survey response provided for not having valid fare:
  - If chose to pay fine:
    - Cannot afford fare (13); No time to buy fare (7); Risked it (7); Forgot fare (6); Thought fare was valid (4); Did not have correct change (3); TVM broken (3); Lost fare (2); Did not know fare was required (2); and Mobile phone died (1)
  - If chose to appeal:
    - Forgot fare (2); Lost fare (1); Thought fare was valid (1); and Mobile phone died (1)
  - If performed community service:
    - Cannot afford fare (1)

# Expansion of Existing Pilot

- MTS has submitted 11 Motions to Dismiss to the Court, for those who completed Diversion Program after the 120 day-deadline but before the Court adjudicated the citation.
- Judicial Officer retains discretion to grant Motion to Dismiss.
  - 11 have been granted by the Judicial Officers



# Late Completion of Diversion and Post Conviction Relief FAQ

- Explains steps to complete the Diversion Program, despite the citation being already sent to court.
- Explains post-conviction relief resources



## FARE VIOLATION – DIVERSION PROGRAM Frequently Asked Questions (FAQ)

If you do not complete the MTS Diversion Program within 120 days of the date of your eligible fare evasion citation, MTS will submit the citation to the court for adjudication. After submitting the citation to court, MTS has no control or discretion over how the citation will be adjudicated and processed.

### LATE COMPLETION OF DIVERSION PROGRAM

Nonetheless, MTS wants to help individuals avoid the impacts of the court system. MTS will accept late completion of the Diversion Program, so long as participation occurs on or before the notice to appear date, which can be found at the bottom of your citation. How MTS can help with your court case depends on how close the date is on the notice to appear. The following table explains your options.

Timeline	Action to be taken	Description
<b>At least 2 weeks or more before</b> Notice to Appear Date	Upon completion of Diversion Program, MTS will file <b>Motion to Dismiss</b> with the court.	MTS cannot guarantee the Judge will grant the Motion to Dismiss. It is your responsibility to check the status of your case with the court (contact information for the court is below).
<b>On or less than 2 weeks before</b> Notice to Appear Date (2 options)	1. Upon completion of Diversion Program, you can request an <b>extension</b> with the court.	If date to appear extension is granted, notify MTS and MTS will file a Motion to Dismiss, so long as new notice to appear date is at least 2 weeks away or more. MTS cannot guarantee the Judge will grant the Motion to Dismiss. It is your responsibility to check the status of your case with the court (contact information for the court is below).
	2. Upon completion of Diversion Program, you can request a <b>trial</b> with the court.	MTS will provide you with a Request for Dismissal letter that you can show directly to the Judge at the trial that states that you have completed the MTS Diversion Program and thus MTS requests that the court dismiss the citation. In addition, a subpoena will be issued by the court ordering the MTS Code Compliance Inspector (CCI) to appear at the trial. The CCI will also notify the Judge that you have completed the MTS Diversion Program and that MTS requests dismissal of your citation.

If MTS receives notice that the Motion to Dismiss was denied or that you were found guilty of fare evasion despite late completion of the Diversion Program prior to your notice to appear and/or trial date, MTS will attempt to refund your \$25.00 payment to the mailing address provided on the Diversion Program Payment Form. You may also directly request a refund by emailing [DiversionProgram@sdmts.com](mailto:DiversionProgram@sdmts.com) or by calling 619-557-4522 if you can show proof that despite late completion of the Diversion Program, the Motion to Dismiss was denied or that you were found guilty.

### POST-CONVICTION RELIEF

If your court case has already been adjudicated and you were found guilty of fare evasion, there are various post-conviction relief measures you can participate in to help reduce the fees/fines owed to the court and/or clear your record. The following table explains your options.

Timeline	Action to be taken	Description
<b>After Notice to Appear Date* or if found guilty</b> of fare evasion by the court	You can request <b>Financial Assistance</b> from the court	If you have a financial hardship or inability to pay the court fines, you may be able to request that the court provide a payment plan, reduce the fine amount, or allow community service in lieu of the fine. To do this, you can appear on your scheduled court date to make the request; make an appointment with the court to appear, prior to your scheduled court date, to make this request; or mail a written request to the court prior to your scheduled court date. More detailed information on how to properly submit this request can be found at <a href="http://sdccourt.ca.gov">sdccourt.ca.gov</a> or by googling "SD court financial hardship".
*If you failed to appear by your notice to appear date, the court may have additionally charged you with failure to appear, adding additional court fees and fines.	You can participate in the <b>Homeless Court Program</b>	You may be eligible to receive help with your court case, fines, or fees through the Homeless Court Program. If you participate and meet the requirements of an approved Homeless Court Program Provider (e.g. Social Service organization), your court case may be resolved through the Homeless Court. Visit <a href="http://homelesscourtprogram.org">homelesscourtprogram.org</a> or call 619-717-6101 for more details.
	You can participate in the <b>Fresh Start Program</b>	Your citation may be eligible for dismissal or expungement through the Fresh Start Program. Eligibility generally requires: that it has been one (1) year after your conviction for a fare evasion citation; you are not on probation, under supervision, or serving a sentence for any other case; and you are not currently charged with any other offenses. For further details about the Fresh Start Program, email <a href="mailto:Fresh.Start@sdcounty.ca.gov">Fresh.Start@sdcounty.ca.gov</a> .



# Individualized Plans for Multiple Cites

- Updated Website to notify passengers that they can request individualized plans if multiple cites
- Pilot Example
  - Passenger notified MTS they had 7 fare evasion citations they wanted to resolve through Diversion Program.
  - MTS allowed a one-time exception to perform 6 hours of community services by June 1<sup>st</sup>, instead of 21 hours.
  - Individual performed 6 hours with the Family Health Centers of San Diego, and MTS administratively voided and/or submitted Motion to Dismisses for all citations

# Pending Projects

- Marketing survey to determine current ridership demographics
  - Status: Will begin procurement process
- Capturing location data on each fare inspection check
  - Status: Scoping new software/technology options
- Survey of CCI and TSS
  - Status: Drafting survey questions
- S.E.D to capture Fare Evasion %
  - Status: Suspended until further notice

# Extension of Pilot

- It is unclear what impact the COVID-19 pandemic has had on the success of the Diversion Program thus far.
- An extension would allow additional time to evaluate the effectiveness of the Diversion Program and identify if any changes to Diversion Program are necessary.

# Staff Recommendation

- That the Public Security Committee forward a recommendation to the Board of Directors to extend the Fare Evasion Diversion Program Pilot by twelve (12) months, until August 31, 2022.