



Board Report

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3rd Revision
EXECUTIVE MANAGEMENT COMMITTEE
SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
NOVEMBER 17, 2016

SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

CONSIDER:

- A. RECEIVING AND FILING **Metro's Comprehensive Security and Policing Principles Strategy** (Attachment A);
- B. AUTHORIZING the Chief Executive Officer to negotiate and execute individual five-year firm fixed unit rate contracts with the City of Long Beach Contract No. PS5862300LBPD24750 not-to-exceed \$27,088,968, and ~~firm fixed unit rate contract with the City of Los Angeles, Contract No. PS5862100LAPD24750 not-to-exceed \$369,696,813, and a firm fixed price contract with the County of Los Angeles, Contract No. PS5863200LASD24750, or other local law enforcement agency(s), not-to-exceed \$129,800,051~~ **\$149,800,051 for multi-agency law enforcement services** effective January 1, 2017 through December 31, 2021; subject to resolution of protest (s), if any; and
- C. AUTHORIZING the Chief Executive Officer to negotiate and execute a **demobilization/transition** agreement with the County of Los Angeles Sheriff's Department for single agency law enforcement services; and
- D. AUTHORIZING the Chief Executive Officer to enter into Memorandum of Understandings with local law enforcement agencies based upon system expansion to provide flexibility as new bus and rail lines open.

ISSUE

For Metro's safety and security services to be effective and cost efficient, there must be an appropriate match between the safety and security mission and the various resources used to provide safety and security services. Currently, the resources used by Metro to provide the elements

of the safety and security mission are Metro's In-house Security, Private Security, and single agency Law Enforcement services by the Los Angeles County Sheriff's Department (LASD) Transit Policing Division. The Private Security contract award was approved by the Board in September 2016.

Over the last three and a half years, staff has been working on a new procurement for Law Enforcement Services. During this time, Metro has undertaken an in-depth review of the security and policing strategy with industry experts, policing professionals, and the creation of the Ad-Hoc Transit Policing Committee of the Board. The staff recommendation of a multi-agency law enforcement services contract model supports the key findings and policy direction by the Board to provide a consistent and reliable law enforcement presence to assure the safety of Metro's patrons and employees for the entire county. This approach addresses ridership concerns about safety and security by:

- Increases law enforcement personnel from a range from 140 to 200 to a consistent 240 over each 24-hr operating period.
- Improves response times by slightly more than half.
- Assures greater contract compliance through clear performance metrics and accountability measures.
- These benefits are provided at a reduced amount on an average up to \$20m a year as compared to a single agency model.

BACKGROUND

The history of formal contractual agreements with law enforcement to support Metro's transit policing strategy has varied over time.

- The Board merged Metro's Police Department into LASD and Los Angeles Police Department (LAPD) in 1996
- Metro contracted with LASD and LAPD between 1996 and 2003
- The Board entered into an exclusive non-competitive agreement with LASD in February 2003
- The Board approved a contract with LASD spanning 2009 through 2014. The contract period was three years, with two one-year options.

In order to allow for the development of a new procurement process for Law Enforcement services, four contract extensions have occurred: Metro's contract with LASD was subsequently extended for a period of six months beginning July 1, 2014 and expiring December 31, 2014. The Board later authorized a contract extension effective January 1, 2015 through June 30, 2015, as well as another contract extension spanning July 1, 2015 through June 30, 2016. The current extension expires December 31, 2016.

Request For Proposal (RFP) Preparation Activities

In advance of the contract's expiration, staff began drafting a new RFP for law enforcement services in May 2013. In June 2013, the Board directed staff to conduct an audit of the LASD contract and incorporate the findings into a new scope of work.

Staff issued a "Request for Interest" in March 2014, seeking to learn which law enforcement agencies would be interested in bidding on a future Metro RFP for law enforcement services. Metro received responses from LAPD, Long Beach PD (LBPD) and LASD.

Over the last two and a half years, Metro's Office of the Inspector General (OIG) and the American Public Transportation Association (APTA) conducted a series of performance reviews at the request of the Board. They include:

- *OIG LASD Contract Audit, June 2014 - Attachment B*
 - The consultants' report included 50 recommendations to improve the compliance and effectiveness of the LASD contract. Both LASD and Metro management agreed with the majority of the findings and recommendations in the report.

- *APTA Peer Review, July 2014 - Attachment C*
 - A panel of industry peers was assembled that possessed expertise in transit security services provided at large transit agencies. The scope of this review focused on evaluating the transit security and policing program as well as the LASD contract to ensure the safety of Metro riders and front line employees.

- Based on the findings from the OIG LASD Contract Audit and the APTA Peer Review, in September 2014, the Board passed a motion to establish an Ad-Hoc Transit Policing and Oversight Committee to oversee compliance with the Inspector General's audit and procurement of the next transit policing contract.

- *OIG Review of Metro Law Enforcement and Security Options. April 2015 - Attachment D*
 - The findings were presented to the Board at its April meeting. Motion #28 by Director Butts requested that a qualified consultant team be brought in to adequately assess an efficient deployment and work force strategy.

- *OIG Metro Policing and Security Workload Staffing Analysis. January 2016 - Attachment E*
 - Prepared by BCA Watson Rice, the consultant team has the necessary Community Transit policing experience, both Bus and Rail to conduct the analysis per Director Butts Motion 28.

 - The consultant team assembled a working group of current security service providers, a representative from the CEO's office, and a member of the Ad-Hoc Transit Policing Committee to provide input on the organizational enforcement philosophy and priorities

Transit Industry and Policing Expert Feedback

The recommendations associated with the audits and performance reviews can be generally categorized as below:

- Improve staffing
- Address unclear billing
- Improve accountability
- Improve contract compliance and oversight
- Develop bus and rail policing plans
- Implement Community Policing and Problem Oriented Policing strategies
- Improve system-wide visibility
- Clarify roles, responsibilities and authority associated with Metro security personnel

While progress has been made in recent months to improve staffing levels, contract compliance, and clarification of Metro security roles, significant challenges remain due to the current structure of the contract. These issues adversely affect the perceived security of patrons and employees, as well as Metro's day to day operations. The challenges are:

- Unable to deploy required staffing levels
- Poor system-wide visibility on buses, trains and at stations
- Significant number of vacancies each shift
- Heavy reliance on overtime
- Unreliable bus and rail patrols
- Inconsistent staffing at key critical infrastructure locations

Upon the completion and presentation of the Policing and Security Staffing Analysis in January 2016 to the Ad-Hoc Transit Policing Committee, staff incorporated key recommendations into a new Law Enforcement Services RFP. Issued in February 2016, the new RFP requires clear billing, reliable staffing, detailed crime analysis and reporting, and performance metrics designed to reduce crime and disorder. The RFP also made clear Metro's intent to leverage basic no cost police services, while compensating local law enforcement agencies for dedicated Metro patrols. The scope of work also excludes fare enforcement from law enforcement services and emphasizes the need for community policing on bus and rail. The RFP encouraged proposals from a single agency, partnerships between police agencies, or agencies desiring to police their own jurisdictions. Metro's RFP for law enforcement services was distributed to police agencies within Metro's service area. Staff briefed and received concurrence from the Ad-Hoc Transit Policing and Oversight Committee on this approach on January 21, 2016.

DISCUSSION

The law enforcement team plays a critical role in addressing crime and disorder, as well as reducing the system's vulnerability to terrorism. A consistent and reliable law enforcement presence is necessary to assure the safety of Metro's patrons and employees.

Metro has greatly expanded its infrastructure since the 2009 LASD contract. Since January 2009, rail and BRT route miles have increased 45% from 83 to 121. This equates to a 55% increase in average daily revenue service hours, from 2,280 to 3,527. In addition, the number of stations increased almost 50% from 74 to 111. To keep up with this growth, Metro's transit security strategy is multi-layered - relying on local and federal law enforcement partnerships, technology, security

personnel, and state certified law enforcement professionals working under contract to Metro.

To address an immediate need and to improve the security environment, Metro's CEO, directed the security staff and LASD to implement a high visibility deployment plan beginning November 2015. Metro then funded an additional 20 member LASD deputy team to conduct high visibility rail operations beginning in May 2016. The increased presence is beginning to show results. Total reported bus and rail crimes are down system-wide since January 2016. This is directly attributed to an increased "felt" presence in the system. Although we are seeing improvements, more needs to be done. As the current contract stands, we are unable to achieve our goals. Given the complexities associated with safeguarding Metro's moving city with more than 1.4 million daily passenger trips, law enforcement performance must be proactive, reliable and visible.

A few facts from the Metro service area reveal:

- 61% of Metro's bus service is within the City of Los Angeles
- 73% of Metro's passenger trips are comprised of bus riders
- 48.8% of rail service is located in Los Angeles
- 30% of the Blue Line is located in the city of Long Beach
- 66% of Metro's bus related police service calls are within LAPD's service area

Metro relies on multiple police agencies to assist the transit operation on a daily basis. LASD routinely transfers service calls to other agencies and vice versa. Among others, Inglewood PD patrols Metro's bus system within their jurisdiction; LBPD actively patrols segments of the Blue Line; LAPD responds to and investigates a significant number of bus related incidents and rail accidents; Santa Monica PD assists Metro with grade crossing enforcement on the new Expo Line extension.

Single Agency vs Multi-Agency Law Enforcement Award Approach

Metro received proposals from LASD, LBPD, and LAPD in response to the law enforcement services RFP issued in February 2016.

Single Agency Law Enforcement Proposal

LASD submitted a proposal to police Metro's entire service area. The proposal did not address Metro's desire to leverage no cost basic 911 service, and instead presented a plan similar to the current model. Additionally, the proposed staffing level, 611 law enforcement personnel, represents a dramatic increase in staffing and is unattainable based on historic performance. Specifically, both the APTA Peer Review and the OIG Audit cited concerns regarding the need to reconcile salaries with chronic LASD vacancies.

Metro's daily calls for police service are relatively low. According to data provided by LASD, Metro received a total of 56,536 calls for police service between the period of January 1, 2015 and September 30, 2016. This equates to an average of about 89.7 calls per day or 3.7 calls per hour. Combined with the ability to leverage free basic 911 services, staff identified the need for approximately 240 dedicated law enforcement personnel per day, with minor adjustments during off-peak hours. This level of staffing represents a significant improvement over current staffing levels, which are inconsistent, often falling below 200 during each 24-hour operational period.

Benefits of a Multi-Agency Law Enforcement Contract Award

- Local jurisdictions are best positioned to respond to emergency calls
- Delivers dedicated service
- Shifts the focus from fare enforcement to proactive patrols of Metro's bus and rail systems
- Provides an opportunity to increase ridership

LBPD and LAPD submitted proposals specific to their jurisdictions. The proposals present reliable staffing options, reduce existing emergency response times, and have capable ancillary services such as traffic enforcement, community policing, homeland security and criminal investigations. The proposals enhance Metro's ability to prevent crime and enforce Metro's Code of Conduct in the City of Los Angeles and along a busy segment of the Blue Line by assigning officers to ride buses and trains.

Both LBPD and LAPD were responsive to Metro's RFP which identified a requirement to deliver basic police services at no cost to Metro, while proposing an enhanced level of service exclusive to Metro. LAPD identified a specific no cost plan to respond to bus related 911 calls. This is critical because increased efforts to support the bus operation are a high priority as Metro takes steps to reduce operator assaults.

Both agencies emphasized establishing a strong presence at stations, on trains and buses, while interacting with passengers to prevent and address crime. This approach addresses a fundamental recommendation identified by the APTA Peer Review - establishing what is known as a "felt presence."

While the LBPD and LAPD proposals are responsive to the RFP and provide improved benefit to Metro, they are limited by their jurisdiction. LASD only proposed as a single agency and later indicated no interest in a multi-agency partnership. LASD, however, has jurisdiction over the entire County so the multi-agency award includes LASD to cover areas outside of the purview of LBPD and LAPD. This includes enhanced presence and bus riding teams.

Staff is recommending a multi-agency award because it presents a strategy to vastly improve performance and system-wide visibility for the entire county. A recent survey shows that safety/security is the primary concern of current as well as past riders. Fifteen percent of current Metro riders surveyed indicated that the most important improvement that would make them ride more is visible security on buses, trains and at stations. A stronger indication that safety/security is a major issue is that 29% of past riders surveyed left the Metro system because they did not feel safe using the system. In fact, safety/security was listed as a greater barrier to using transit than speed, reliability, and accessibility of bus and rail service. Despite their previous experience with transit, 18% of past riders indicated that they would ride Metro again if increased safety/security measures were implemented. A multi-agency award delivers the following benefits:

- Establishes consistent, reliable staffing of approximately 240 law enforcement officers per 24 hour period, which is an improvement over the current staffing which ranges from approximately 160 - 200 personnel assigned to the system each day.
- Increases emphasis on patrolling the bus system and corridors. Grows the bus riding team

- from 6 to 34 law enforcement officers, a 466% increase in staffing level and coverage.
- Maximizes law enforcement staffing at a favorable cost. The total estimated five year contract value of a multi-agency award is ~~\$526.6M~~ \$546.6M. LASD's proposal for the entire service area was \$627.1M. A multi-agency award improves service and delivers an estimated \$80 - 100.5M in cost savings.
 - Provides flexibility to enhance security as the transit system grows over the next 5 year period.

Operational Effectiveness of a Multi-Agency Contract Award

Given Metro's expansive 1400 square mile service area, formal partnering with additional law enforcement agencies will improve system-wide visibility and emergency response times. The current LASD contract attempts to build a policing structure on top of multiple existing law enforcement agencies, adversely affecting response times. LASD response times are difficult to measure. The January 2016 OIG Metro Policing and Security Workload Staffing Analysis identified LASD averages 12.8 minutes to respond to emergency train related calls, and 14.1 minutes to respond to emergency bus related calls. According to the latest monthly policing report, the average response time for all calls was 16 minutes as of September 2016. LASD reports a 6.2 minute emergency response time for same period in September 2016; this differs from the earlier OIG data. This will be resolved by installing a Metro computer aided system (CAD) which will integrate data from Metro operations and law enforcement dispatch, providing real time response data. Additionally, staff is forming a new regional law enforcement working group specifically focused on addressing policing matters in the areas that we provide transit service. The first meeting will take place in January 2017.

Historically, consistent and reliable staffing has been a challenge. The new contract scope of work identified specific performance metrics and quality assurance requirements to ensure accurate billing and staffing. Under this new contract model, Metro will only pay for services provided.

The law enforcement team plays a critical role in supporting Metro's daily operations. To maximize effectiveness, the law enforcement team's primary focus is to address crime, disorder and reducing the system's vulnerability to terrorism. Metro's internal security force will assume fare enforcement and CCTV monitoring duties, and the private sector security guards will be positioned at stations and facilities.

The OIG's Policing and Security Workload Analysis and LASD Contract Audit Report, Recommendation #6 and Option #2 respectively, encourage Metro to explore leveraging no cost basic 911 police services, but consider compensating agencies for enhanced or dedicated service. While this approach will certainly add a layer of complexity, the challenges can be easily addressed by implementing improved computer aided dispatch (CAD) systems, following basic unified and incident command principles during major events, and frequent communication and collaboration between Metro and its law enforcement partners.

Transitioning from Single Agency Law Enforcement Contract to Multi-Agency Law Enforcement Contract

If the staff recommendation is approved, a six month mobilization will need to occur for LBPD and LAPD. LASD will also require a transition period to address the need for reduced coverage in Long

Beach and Los Angeles and increased coverage in the other parts of the County. Mobilization costs are incorporated in the LBPB and LAPD cost proposals. Staff will negotiate the transition costs with LASD. In the event Metro and LASD can't reach agreement, staff will initiate negotiations with the contract cities to compensate them for dedicated, enhanced patrols of transit service within their jurisdiction. This will ensure service throughout the entire county.

DETERMINATION OF SAFETY IMPACT

The authorization of the law enforcement contract will enhance the security of patrons and employees, as well as improve Metro's ability to safeguard critical transportation infrastructure.

FINANCIAL IMPACT

The total five year contract amount is ~~\$526,585,832~~ \$546,585,832. The contract costs for the balance of the fiscal year is \$22.9M. Staff will return during the agency-wide mid-year budget amendment to request the additional funds necessary once the transition/demobilization agreement is finalized. Since this is a multi-year contract, the System Security and Law Enforcement Department will update its budget on an annual basis to fund years two (2) through five (5).

Impact to Budget

The source of funds for this project will be local operating funds including sales tax Proposition A, C, TDA, and Measure R. These funds are eligible for bus and rail operations.

ALTERNATIVES CONSIDERED

Three alternatives were considered:

1. The Board may decline to approve the contract award. This alternative is not recommended because Metro currently does not have an internal police force.
2. The Board may award an extension or renewal of the current County of Los Angeles contract without modifying the scope of work. This alternative is not recommended because of an immediate need to improve overall performance and law enforcement visibility, per OIG audit, APTA Peer Review, and Ad-Hoc Transit Policing Committee.
3. The Board may award a single agency law enforcement contract award. This alternative is not recommended, several transit agencies throughout the country have implemented a similar multi-agency model and that model supports the key findings and policy direction by the Board to provide a consistent and reliable law enforcement presence to assure the safety of Metro's patrons and employees.

NEXT STEPS

Upon approval by the Board, staff will negotiate a demobilization/transition agreement with LASD, as

well as execute agreements with LASD, LAPD, and LBPD.

ATTACHMENTS

Attachment A - Comprehensive Security & Policing Principles Strategy

Attachment B - OIG LASD Contract Audit. June 2014

Attachment C - APTA Peer Review. July 2014

Attachment D - OIG Review of Metro Law Enforcement and Security Options. April 2015

Attachment E - OIG Metro Policing and Security Workload Staffing Analysis. Jan 2016

Attachment F - Procurement Summary

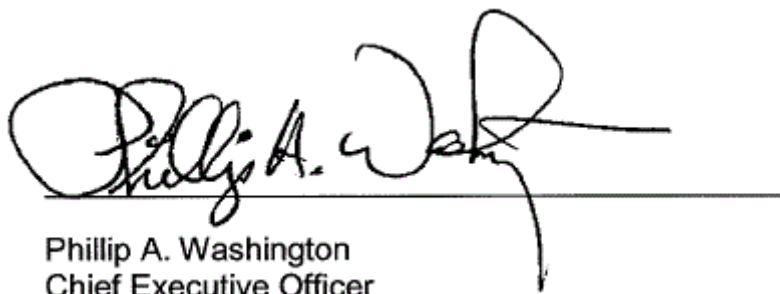
Attachment G - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

Comprehensive Security & Policing Principles Strategy

A consistent and reliable law enforcement presence is necessary to assure the safety of Metro's patrons and employees. Metro has developed a comprehensive security and policing principles strategy. To maximize effectiveness, the law enforcement team's primary focus will be to address crime, disorder and reducing the system's vulnerability to terrorism. Metro's internal security force will assume fare enforcement and CCTV monitoring duties, and the private sector security officers will be positioned at stations and facilities.

The key services required as part of the Metro safety and security mission are:

- Addressing Crime and Responding to Calls for Service or Incidents – requires sworn law enforcement officers who have full powers to detain and arrest and to use force as required to provide this mission element.
- Providing a Visible Security Presence – on the Metro system as a deterrent to crime and disorder, as well as the other critical incidents like terrorist attacks. This service could be provided by law enforcement personnel, but may also be provided by well-trained and well-managed private security personnel.
- Enforcing Fare Compliance – on the Metro system, as well as enforcing Metro's customer code of conduct. Providing this service does not require law enforcement sworn personnel and will be performed by Metro security.
- Protecting Metro's Critical Infrastructure – Providing critical infrastructure protection requires a combination of law enforcement personnel and Metro security.
- Providing Security for Metro Facilities and Operations through private security units that patrol the various Metro facilities and provide a visible security presence for those facilities.

Attachment B

OIG LASD Contract Audit. June 2014

Hyperlink: http://libraryarchives.metro.net/DB_Attachments/161109_Attachment%20B%20-OIG%20LASD%20Contract%20Audit%20Report%20June%202014.pdf



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SPECIAL BOARD MEETING

September 4, 2014

SUBJECT: AUDIT AND AMERICAN PUBLIC TRANSPORTATION ASSOCIATION (APTA) PEER REVIEW OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT CONTRACT

ACTION: RECEIVE AND FILE

RECOMMENDATION

- A. Receive and file this Office of the Inspector General (OIG) report on the audit of the contract with the Los Angeles County Sheriff's Department (LASD); and
- B. Receive oral report on the LASD Audit and APTA Peer Review of Metro's transit security.

ISSUE

The Metro Board directed the OIG to audit the transit policing contract between LASD and Metro.

DISCUSSION

The audit found that recently LASD has improved the impact of policing activities throughout the transit system. More citations have been written, the number of fare checks has increased, officer morale has generally increased, and plans to address staffing issues and other improvements are underway. The audit report identified a number of opportunities to improve operations and made appropriate recommendations. LASD has begun to take significant steps to address the recommendations in the report such as creating a LASD Transportation Division and appointing a new division chief.

1. Scope of the Review

The OIG prepared a comprehensive scope of work for the Request for Proposal to obtain an expert consultant to perform this audit. Bazilio Cobb Associates (BCA) was hired to perform the audit. The audit team included internationally recognized policing experts from across the U.S. provided by the Bratton Group, LLC, a subcontractor of BCA. The scope of this review focused on:

- Transit Community Policing Plan
- Requirements for Bus Operations

- Requirements for Rail Operations
- Communications
- Management Oversight and Performance Metrics
- Reports and Analyses
- Complaints
- Security Organization and Responsibilities
- Personnel and Billing
- Independent Audits and Reviews

2. Background

The Los Angeles County Metropolitan Transportation Authority (Metro) has a 3-year Memorandum of Agreement (MOU) (with 2 one-year options) with the Los Angeles County Sheriff's Department (LASD) to provide Metro with transit community policing services. This MOU became effective on July 1, 2009. The contract amount for services from the LASD ranged between \$65.9 million and \$83.0 million annually from FY 2009 through FY 2014. Because the contract expires on June 30, 2014, a 6-month extension was approved in April 2014. LASD's Transit Services Bureau (TSB) performs the policing services required by the contract.

3. Results of the Evaluation

The consultant completed the review and issued a comprehensive audit report on the LASD contract, which was distributed to the Board and Metro management on June 3, 2014. Significant findings are summarized below:

- Transit Community Policing. Metro's Scope of Work for the LASD-Metro contract states that LASD is to provide "transit community policing services" for all Metro service lines (including bus lines) and stations, and stipulates specific characteristics and expectations for the transit community policing services, including requirements related to personnel, operations, and services provided. However, LASD did not provide a Transit Community Policing Plan or Program.
- Requirements for Bus Operations. The LASD has not developed an annual bus operations policing plan or strategy, and the TSB has no central plan to address the challenges and operational necessities of crime and disorder on buses.
- Requirements for Rail Operations. LASD has not provided a specific plan or strategy relating to rail operations as required by the LASD-Metro contract.
- Communications. Metro's Scope of Work requires a Police Radio Dispatch and Communications Capability that minimizes response times for calls for service. We found that:
 - LASD's reported response times generally met targeted goals; however, the data provided did not provide an accurate picture of actual response times.

- LASD's Transit Services Bureau does not consistently conduct month-to-month comparisons whereby patterns can be identified and progress in lowering response times ascertained.
 - The current Communications Center facility site is cramped and not organized to be effective.
 - There is no specific transit-related training for Deputies and law enforcement technicians assigned to call-taking and dispatch duties at command centers.
- e. Management, Oversight, and Performance Metrics. Metro has not developed a formal plan or methodology for contract oversight, and no staff are fully dedicated to contract oversight. Performance metrics were developed and included in the contract extensions beginning in FY 2012; however, LASD had not met many of the targets for performance metrics, including crime reduction, continuity of staff, and fare enforcement saturation and activity rates.
- f. Reports and Analyses. With the implementation of TAP, LASD personnel began using a mobile phone validator to verify fares. The current mobile phone validator is inadequate and has limited functionality. Also, the three units of the LASD that would be part of a tactical response to critical incidents did not have ready access to needed information and had difficulty finding specific locations within Metro facilities, such as rail line vents where the alarm had sounded. Their blueprints of the rail stations were not up to date, nor were they readily accessible. They had no information on other Metro facilities such as bus divisions or maintenance facilities.
- g. Complaints. The complaint disposition categories used by the LASD do not adequately result in a conclusion of fact regarding the specific allegations made in the complaint. In addition, timelines established by LASD policy for sending acknowledgement and outcome letters are not met for most complaints.
- h. Security Organization and Responsibilities. The current contract created a dual chain of command for Metro Security by assigning a LASD Lieutenant as Director of Metro Security, while command and control is assigned to the Metro DEO. This dual chain of command has not been effective in managing and supervising Metro Security. Also, the roles and responsibilities of Metro Security have not been clearly or appropriately defined, and in some instances, current roles extend beyond the authority and common practice of security officers.
- i. Personnel and Billing. LASD did not submit adequate supporting documentation with their monthly billings and does not have an adequate time recording and record keeping system to track personnel's time records related to the Metro Contract. Other observations included:
- LASD filled some TSB positions via the Cadre of Administrative Relief Personnel (CARP) program which resulted in a lack of expertise, equipment,

and familiarity in transit operations at the line level. Metro paid LASD for the CARP personnel at the same rate as permanently assigned personnel.

- LASD has not provided the staffing levels required under the contract. There are continued vacancies in officer, supervisory, and managerial positions.
 - Some LASD personnel time was billed twice to Metro when personnel whose costs are included in the billing rates also generate direct billed time.
- j. Independent Audits and Reviews. A review of Metro Transit Security was conducted in 2008 and an operations assessment of Metro included a brief section on Security and Law Enforcement as part of their review of Essential Operating Department Support. The majority of recommendations from both reports were not implemented, and there was no indication whether the recommendations were followed up. Further, Metro has not taken advantage of periodic contract performance audits of the services provided by LASD as a contract compliance tool.

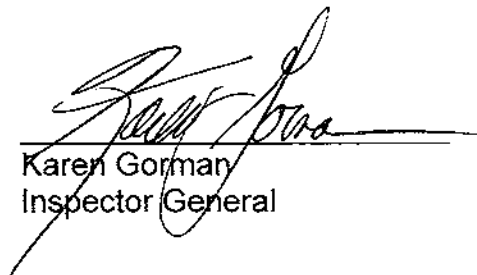
4. Report Recommendations

The consultant's report included 50 recommendations to improve the compliance and effectiveness of the LASD contract. Both LASD and Metro management agreed with the majority of the findings and recommendations in the report and indicated that the recommendations will be evaluated and corrective actions initiated where appropriate.

ATTACHMENT

- A. Report of the American Transportation Association Peer Review Panel on Transit Security Provided by Los Angeles County Metropolitan Transportation Authority

Prepared by Jack Shigetomi, Deputy Inspector General - Audits
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Karen Gorman
Inspector General

**REPORT
OF THE
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
PEER REVIEW PANEL
FOR
LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY
Los Angeles, California**

July 2014



**A Service of the Safety Management (Peer Review) Program of the
American Public Transportation Association**

REPORT
OF THE
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
PEER REVIEW PANEL
ON
TRANSIT SECURITY
PROVIDED BY
LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY

PANEL MEMBERS:

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I. INTRODUCTION

In June 2014, Mr. Arthur T. Leahy, Chief Executive Officer, Los Angeles County Metropolitan Transportation Authority (LACMTA) contacted the American Public Transportation Association (APTA) to request a peer review of the agency's transit security force.

Through discussions between APTA and LACMTA staff, it was determined the review would be conducted July 7 – 10, 2014.

A panel of industry peers was assembled that possessed expertise in transit security services provided at large transit agencies. The peer review panel consisted of the following transit individuals:

MR. JAMES SPILLER
Chief of Police
Dallas Area Rapid Transit
Dallas, TX

MR. DAVID JUTILLA
Chief of Police
King County Metro
Seattle, Washington

MR. JAMES KEATING
Vice President, Security Services
Chicago Transit Authority
Chicago, IL

MR. DAVID HAHN
Senior Program Specialist – Safety & Security
American Public Transportation Association
Washington, DC

The panel convened in Los Angeles, California on July 7, 2014. Panel coordination and logistical support was provided by APTA Staff Advisor David Hahn. Mr. Hahn also coordinated panel member input in the drafting of this peer review report. Duane Martin provided agency liaison support.

Methodology

The APTA Peer Review process is well established as a valuable resource to the public transit industry. Highly experienced and respected transit professionals voluntarily provide their time and support to address the scope required.

The panel conducted this review through facilities and operations observations, a series of briefings and interviews with personnel of Los Angeles County Metropolitan Transportation Authority and the Los Angeles Sheriff's Department.

Scope of Report

The scope of this review focused on evaluating the transit security and policing program at LACMTA as well as the Los Angeles Sheriff's Department contract to ensure the safety of its riders and frontline employees. The observations and recommendations provided through this peer review are offered as an industry resource as a means of strengthening the agency's transit programs, practices and strategies.

The review will focus on the following areas:

- Contract management / oversight
- Personnel / billing
- Transit community policing
- Requirements for bus operations
- Requirements for rail operations
- Fare collection

I. OBSERVATIONS AND RECOMMENDATIONS

OPENING COMMENTS

LACMTA is unique among the nation's transportation agencies. It serves one of the country's largest, most populous counties. More than 9.6 million people utilize its 1,433-square-mile service area. The panel commends LACMTA for initiating the peer review and found that LACMTA is well respected within the North American transit industry for the services it provides and the quality of its management team.

At the same time the panel found that there are opportunities to enhance the organization's current and future contract for policing services and those findings and related recommendations are provided in this briefing.

GENERAL OBSERVATION

The panel found that Metro is currently performing contract oversight to the best of their ability, despite limited resources. Metro is supplying LASD with significant resources, locations and assets to help assist in ensuring the transit system is combating crime and providing emergency response and passenger safety. LASD is currently performing a significant number of fare evasion citations, arrests and generally fulfilling many of the requirements in the contract with Metro. The decision by LASD to reorganize and create the Transit Police Division has helped moral and is a positive move toward strengthening policing on Metro.

1. CONTRACT MANAGEMENT AND OVERSIGHT

Metro is not currently fully enforcing all of the current requirements within their current policing contract. There seems to be a disconnect between Metro and LASD with regard to the handling of contract regulations, reporting requirements and policing philosophies.

RECOMMENDATIONS

- Metro should designate or create a position within Metro (Director of Security) that is directly responsible for contract oversight, management of the policing, Metro security and private security contracts to ensure the public safety, fare collection and system infrastructure is protected. This critical position should be responsible for maintaining the internal, external security policing functions along with program oversight.
- Metro should consider seeking outside council or expertise to craft the next policing contract to satisfy the numerous requirements.
- The performance measurements, metric, expectations, goals and objectives should be fully defined and evaluated to satisfy Metro's interests.
- LASD is currently billing via deployable minutes for hours worked per employee. Metro should consider rewording the next contract to bill via a fully burdened rate of Full Time Equivalents instead of the current billing practices.
- Contracts should consider requesting salaries reconciliation for vacancies. A salary savings on unfilled vacancies should be enforced.

- The new Director of Security should enforce the current invoices and payment section requirements located on section (E.) of the current contract.
- The new contract should submit monthly reports that include detailed invoices.

2. COMMUNITY POLICING

LASD is not currently utilizing a policing strategy that focuses on Community policing. During the peer review the LASD mentioned that they were working toward this strategy. However the panel found the COPS and Ops meeting is very supportive in strengthening the relationship between Metro and LASD.

RECOMMENDATIONS

- Partnership needs to be strengthened between Metro and LASD. It is currently fragmented and many aspects are not fully understood by either entity.
- Rail - LASD should consider implementing a plan focusing on geographical policing with dedicated FTEs for Bus and Rail. Officers should be on the platforms and interact with the customers. Officers should ride the trains to deter crime and assist with deterring Fare Evasion.
- Bus - Patrol officers should be out on bus routes and transit centers, transit facilities and problem zones (hot spots).
- A legal review of Metro's security officers as "armed security guards" should be conducted.
- Metro's security officers could be utilized for Fare Enforcement positions to collect the millions that Metro is not currently collecting due to their high fare evasion rate.
- Metro should require LASD to utilize a policing strategy that addresses public safety on all 3 shifts when crime is occurring. This is addressed on page 3, section B.2 of the current contract.
 - Adjusted resources for revenue service after 2100 – 0100 hours should be considered.
- Attainable service level goals are not being met. Metro should consider providing updates to LASD during the ILP meetings so LASD is receiving prompt feedback on all of the requirements.
- A daily detail sheet should be provided to the Director of Security by the LASD so he/she knows the daily staffing level by mode, line and route.
- Redefine the roles and responsibilities of the Lieutenant within the LASD so the Metro Director of Security performs these duties.
- Contract security guards should be placed at fixed locations based on intelligence led policing.
- Metro should consider reevaluating the security contracts for RMI to protect Metro facilities, perform infrastructure protection and revenue collection instead of utilizing their current Metro security officers to perform these tasks. These security contractors should be certified by the State of California to perform these tasks.
- The LASD should consider reallocated resources from Rail Operation to Bus Operations after an analysis has been approved by the Director of Security.

- Consider identifying Metro and uniformed transit police vehicles as “Metro Transit” this will aid customers, Metro employees to associate the Deputies as “Metro Transit” police instead of a separate Sheriff division that assists Metro.
- Consider distributing appropriate weekly information bulletin to the Rail and Bus Executive Directors and include them at the ILP meeting. The Directors should provide feedback to the LASD on current issues this will help strengthen the partnership between the agencies.

3. REQUIREMENTS FOR RAIL OPERATIONS

Currently Metro does not have a Policing Strategy and Plan from LASD that addresses Rail Operations.

RECOMMENDATIONS

- Metro should request a written policing philosophy, strategy and plan that addresses the Rail Policing strategies from LASD.
- LASD should consider reduced squad patrolling (no congregating) at stations unless specifically assigned to an area for a special event or situation.

4. REQUIREMENTS FOR BUS OPERATIONS

Metro does not currently have a Policing strategy and plan that addresses the Policing of Bus Operations from LASD. The panel found that LASD primarily focuses on Rail security instead of Bus. The Metro service size area is very large and can be a challenge to reach certain buses in a reasonable amount of time which has resulted in emergency response time as long as 20 minutes.

RECOMMENDATIONS

- MOUs should be established or strengthened to assist LASD to utilize local police jurisdictions to respond to bus calls and decrease the response time.
- Deputies could help strengthen the current relationship by communicating with bus operators and discussing any problems on routes.
- LASD should develop a patrol functions for bus that addresses crime reports, call for service and hot spots.
- Police visibility at transit centers should be increased.
- Bus response team should be utilized more frequently to help reduce bus crimes.
- Law enforcement service requests should be followed up by LASD based on the severity of the situation or suspect information. This should include follow up with the bus operator to complete the feedback loop.
- Metro should consider migrating daily incident reports to an electronic reporting system instead of using paper reports to increase efficiency, assist with trend analysis and COPS on a Dot deployment.

5. FARE ENFORCEMENT

The Sherriff's Department is currently working toward fulfilling the requirements of the contract regarding Fare Enforcement.

RECOMMENDATIONS

- Perform rail and bus ride “alongs” and verify fare taps during on-board deployment.
- Utilize resources by employing alternate personnel to conduct station taps.
- Consider revisiting the fare violation policy and the penalties associated with violations, trespassing. Subsequent violations could be grounds for suspension or criminal prosecution.

IV. CONCLUDING REMARKS

Through the review, the panel has had the opportunity to become familiar with the management strategies, performance metrics of Los Angeles County Metropolitan Transportation Authority. It is evident to the panel that while opportunities exist to strengthen LACMTA's security practices, the transit agency is striving to effectively and accurately provide public safety and is striving to improve fare collection by a skilled and competent management team.

The panel sincerely appreciates the support and assistance extended to the panel by the staff of Los Angeles County Metropolitan Transportation Authority. The panel stands available to assist with any clarification or subsequent support that may be needed.

APPENDIX

APPENDIX A



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

Arthur T. Leahy
Chief Executive Officer
213.922.6883 Tel
213.922.7447 Fax
metro.net

June 5, 2014

Michael P. Melaniphy, President
American Public Transportation Association
1666 K Street NW, 11th Floor
Washington, D.C. 20006

Dear Mr. Melaniphy:

The Los Angeles County Metropolitan Transportation Authority (LACMTA) requests the assistance of APTA in coordinating a peer review of our Los Angeles Metro Transit Security, including the Los Angeles County Sheriff's Department (LASD) and our own Transit Security force. Our primary concern is the existing, now expired contract with the LASD. The Metro Board of Directors has voiced concerns about the efficacy of the existing contractor and deployment strategy in ensuring the safety of our riders and frontline employees, as well as enforcement of fares. We are in the process of writing a new request for proposal (RFP) inviting participation from all policing agencies in the Los Angeles County region.

We request APTA's assistance in bringing together a peer panel of professional comparably sized organizations and individuals who are experienced with transit security services. The overall scope of the transit security peer review will focus on two areas. First, the development of a process to award a new contract by sharing transit security procurement process, selection, and contract development best practices. Second, the development of best practices to strengthen Metro's transit security program by developing strategies to maximize the police and fare enforcement officer deployment, enforcement policies, crisis management protocols, crime reporting, and policing methodology. For an effective peer review process, we anticipate a panel of up to five (5) members.

We would like to proceed with the peer review immediately. Duane Martin has begun working with APTA. He will be your contact during this review and will assemble a team to support the Peer Review Panel. Duane can be reached at 213.922.7460 (office) or martind@metro.net.

Sincerely,

Arthur T. Leahy
Chief Executive Officer

Attachment: Appendix A

APTA – LACMTA
Security Peer Review Agenda

Appendix B

Tuesday, July 8, 2014

- 7:30 AM – Duane and Lt. Rivers will meet panel members at hotel for pickup
- 9:00 AM – Opening Meeting with CEO, Chiefs, Safety & Security Department (DCEO Lindy Lee)
- 9:30 AM – Office of Management and Budget (Nalini Ahuja)
- 10:00 AM – Security Department (Lt. Rivers)
- 12:00 PM – LUNCH
- 1:00 PM – Safety (Vijay Khawani)
- 2:00 PM – Risk Management (Greg Kildare)
- 3:00 PM – Operations (Steve Rank and Robert Castanon)
- 4:00 PM – Human Resources (Stephan Chasnov)
- 5:00 PM – Return to hotel- panel members have dinner on their own to discuss report

Wednesday, July 9, 2014

- 7:15 AM – Duane will meet panel members at hotel for pick up
- 8:00 AM to 10:00 AM – Ride Blue Line to the ROC
- 10:00 to 10:30 AM – Intelligence Lead Policing Meeting
- 10:30AM to 11:30 AM – Meet with Commander and Chief
- 12:00 PM – Return to hotel to develop report

Thursday, July 10, 2014

- 7:30 AM – Meet at hotel for pick up
- 8:45 AM – Closing Conference (CEO, Security Department)
- 9:00 AM – CEO Conference Call with CEO
- 11:00 AM- Depart for airport



Metro Office of the Inspector General

**Review of Metro Law Enforcement
and Security Options**

April 2015

Submitted by

BCA Watson Rice LLP
in association with
Strategic Policy Partnership, LLC
and
Chief Paul MacMillan (Retired)
Massachusetts Bay Transportation Authority

April 3, 2015

Karen Gorman, Inspector General
Office of the Inspector General
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, MS 99-4-5
Los Angeles, CA 90012

RE: REVIEW OF METRO LAW ENFORCEMENT AND SECURITY OPTIONS

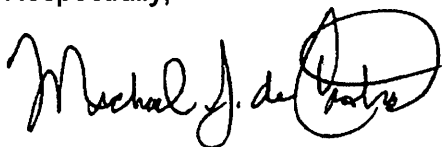
Dear Ms. Gorman,

BCA Watson Rice LLP is pleased to submit this report on our review of Metro Law Enforcement and Security Options. This report was prepared with assistance from Robert Wasserman and Paul MacMillan. Robert Wasserman is the Chairman of Strategic Policy Partnership, LLC, and was the lead consultant for The Bratton Group during our recent audit of Metro's contract with the Los Angeles Sheriff's Department. Paul MacMillan was the Chief of Police of the Massachusetts Bay Transportation Authority (MBTA) Police Department until November 2014.

Our report provides analysis of the advantages and disadvantages of each of the four law enforcement and security options. Our report also provides considerations for review, discussion and resolution moving forward.

We appreciate the cooperation and assistance we received from Metro management and the management of the Los Angeles Sheriff's Department. We reviewed and discussed the draft report with Metro staff and made changes based on their input and suggestions. They are in agreement with the content and recommendations contained in this report.

Respectfully,



Michael J. de Castro
Managing Partner

Robert Wasserman

Robert Wasserman, Chairman
Strategic Policy Partnership, LLC



Paul MacMillan, Chief of Police (Retired)
Massachusetts Bay Transportation Authority



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1. Executive Summary

Background

Metro's current contract with the Los Angeles County Sheriff's Department (LASD) includes personnel at a total annual cost of \$88.7 million. Current sworn staffing is budgeted at 468 positions, with 425 actual filled sworn positions. Civilian or professional staffing is currently budgeted at 176, with 138 actual filled staff positions. (The civilian positions include 106 budgeted security assistant (fare enforcement) positions, with 89 actual filled security assistant positions.)

Metro also directly employs transit security officers to provide security over Metro facilities. Metro is in the process of developing and issuing a request for proposals (RFP), selecting and awarding a contract for the law enforcement and security services currently provided by the LASD. In January 2015, Metro staff presented information on three potential options on the structure for the future law enforcement and security services during a briefing of the Board staff. During this meeting the Board staff identified a fourth potential option.

Objective and Scope

The objective and scope of work for this project was to examine four options for providing law enforcement and security services to the Metro system. Three of the options were presented to the Board staff and the Ad Hoc Transit Policing Committee in January 2015, and Board staff added the fourth option.

As Metro continues to expand its services and the perception of safety and good order continue to be a concern to the Board, the customers and the employees, important decisions need to be made relative to the best way to provide for law enforcement and security.

Analysis of Security Service Options

The options were presented with preliminary cost estimates made by Metro staff that allowed some comparison based on the financial implications of the various options. However, those cost estimates need to be more fully vetted to ensure they contain accurate cost information including ancillary or hidden costs that may accrue over the length of the contract. In addition, the analysis was based on the average in-service staffing by LASD rather than the total number of LASD staff so an appropriate cost comparison was problematic. Cost should always be a consideration when deciding the ultimate security and policing strategy, however, it should not be the deciding factor.

Transit agencies throughout the country use various policing strategies to provide for the safety and security of their employees and customers. Some have their own dedicated police forces and others use their city police department to police the system when no jurisdictional issues are of concern. Others use a hybrid system of local police and security officers while some contract out the entire security policing function to private security officers. There is no one model that can be used as a comparison for the LA Metro system. Each system has developed their policing strategy over time based on historical precedence and the political environment at any given time.



Regardless, most, if not all, rely on cooperation of local law enforcement agencies to respond to incidents that require immediate police action.

The discussions that follow are based on the consultants' collective experience and understanding of current LASD staffing levels. Based on industry best practices the reduction in law enforcement staffing levels in the three options presented by Metro staff would not be appropriate given the size of the Metro transit system, both in ridership and geographical area covered.

The following summarizes our perspectives of the four options presented to and discussed by Board staff.

- **Option 1** proposes using a single law enforcement agency to police the system, reducing the number of sworn officers and deploying additional LA Metro security to provide a visible presence on the system. While we do not recommend reductions in sworn officer staffing levels based on the need to provide law enforcement coverage and response, the assignment of security officers that fall under the direction of Metro staff could provide a visible presence that would allow for the perception of enhanced security.
- **Option 2** proposes using multiple law enforcement agencies to police the system, with sworn staffing below what is currently provided. The management and oversight of this option would be difficult to maintain. It would divide the entire system in a number of contracts that must be managed separately. This would not be practicable nor would it provide a consistent level of security throughout the system. That being said, the contracting out of some of the service areas (e.g., Los Angeles, Long Beach, Pasadena) should not be totally discounted. Metro should also maximize the use of basic services that should be provided at no cost by local law enforcement agencies.
- **Option 3** proposes the creation of a distinct police force dedicated to Metro. This option would require large startup costs over an extended period of time. It would also limit the involvement of the specialized assets and training that a larger law enforcement agency has to offer. Ongoing recruitment, training and equipment costs make this option impractical. It should be pointed out that this option was originally used to police the Metro system and was abandoned several years ago.
- **Option 4** maintains current sworn officer staffing levels and augments them with Metro security. In order to implement a full community and operational policing strategy for the Metro system, the current level of sworn officers could be revised based on risk, staffing, and deployment analysis. Further research and data analysis would be necessary to determine the optimum number and mix of personnel. This option is the most reasonable from a system safety perspective of the four options.

With an appropriate deployment and community policing strategy and operational strategies for buses and rail in place, the current model of a single law enforcement agency being supplemented by Metro security staff seems to be the most viable option



to provide security for LA Metro. Financial considerations notwithstanding, it would appear to be the most effective strategy as the system continues to expand.

Metro staff needs to ensure that they have input into the deployment strategy of LASD personnel and deployment of Metro security personnel. This input, combined with continual oversight and effective management and coordination are crucial to the success of the next contract.

Considerations Moving Forward

The following are key realities and issues that should be considered, discussed, and resolved to the extent possible to most effectively move forward.

- **Current Staffing and Deployment** of services provided by LASD have evolved over time and are not based on an in-depth analysis of workload (crime, calls for service, coverage, etc.) or the risks and risk mitigation strategies needed to address those risks. Moving forward, conducting an in-depth analysis of workload, a risk assessment, identifying risk mitigation strategies, and identifying the staffing and deployment needs and approach to implement these strategies should be accomplished to provide a foundation for evaluating future options, and to arrive at the optimum number and mix of law enforcement and security personnel.
- **The Role of Security Officers** is to provide a visible deterrence, as well as to observe and report any unlawful activity to law enforcement. Metro security officers are not sworn or certified law-enforcement officers and do not have authority to detain or arrest. They cannot be responsible for responding to law enforcement incidents. While Metro security officers may play an effective role in expanded fare enforcement efforts, replacing large numbers of sworn law enforcement personnel with security personnel would likely result in a severe reduction in the level of public safety and security within the system and slower response times to incidents throughout the system.
- **Local Law Enforcement Agencies** have a responsibility to provide basic services to Metro buses and trains within their jurisdictions consistent with the service provided to all others within their jurisdictions. Metro should not have to contract with these agencies for these basic services, but may choose to contract for dedicated or supplemental resources from local agencies. It is important that Metro and local jurisdictions understand that the current staffing provided by LASD can in no way provide complete police coverage of the transit system spread over many square miles, particularly with regard to buses. Local law enforcement should provide first response unless a Metro contracted law enforcement unit is nearby.
- **Management and Oversight** of law enforcement services is key to the safety and security of the Metro system regardless of the structure. Establishing short and long-term priorities for law enforcement services is a critical role for Metro management. The current contract provides opportunities for Metro to accomplish this, including development of the bus and rail policing strategies with



the contracted law enforcement agency, which should provide specific guidance on how the contracted law enforcement agency will use its resources to impact priority problems on the transit system. Directing actual law enforcement personnel and resources will not be effective until priorities are clearly identified and communicated.

Recommended Next Steps

The following are the next steps we recommend be taken by Metro management to most effectively move forward:

- Conduct an in-depth analysis of workload, a risk assessment, risk mitigation strategies, and the staffing and deployment needs and approach to implement these strategies to provide a foundation for evaluating future options, and to arrive at the optimum number and mix of law enforcement and security personnel.
- Work with local law enforcement agencies to identify the level of basic services these agencies can provide to Metro buses and trains within their jurisdictions consistent with the service provided to all others within their jurisdictions. Develop agreements with these agencies to both improve service to Metro and reduce the need for contracted law enforcement services.
- Regarding the timing for selecting future law enforcement contract services, either:
 - Extend the current law enforcement services contract until such time as the in-depth analysis of workload, risk assessment, risk mitigation strategies, and the staffing and deployment needs and approach to implement these strategies is completed, or
 - Issue the Request for Proposals (RFP) for law enforcement services assuming continuation of the current service levels, with the caveat that the level of services would be adjusted upon completion of the risk assessment and staffing and deployment analysis.
- Clearly define the appropriate role for Metro security personnel based on their level of authority, and ensure training, weaponry, and equipment is consistent with that role.
- Establish short and long-term priorities for law enforcement services and develop an effective means of providing oversight to ensure contract services are provided consistent with these priorities.
- If budget constraints dictate that the budget for law enforcement services be reduced, request the LASD to provide options and impact for varying levels (10%, 20% 30%) of budget reductions.
- Continue to move forward on implementation of the recommendations made in the LASD Contract Audit and the APTA Peer Review issued in 2014.



2. Background

The Los Angeles County Metropolitan Transportation Authority (Metro) contracted with the Los Angeles County Sheriff's Department (LASD) to provide Metro with transit law enforcement services on July 1, 2009. The initial contract was for 3 years, and provided for a renewal for two additional years. The contract has been extended to cover the current fiscal year, at a total annual cost of \$88.7 million. Under this extension, current sworn staffing is budgeted at 468 positions, with 425 actual filled sworn positions. Civilian or professional staffing is currently budgeted at 176, with 138 actual filled staff positions. (The civilian positions include 106 budgeted security assistant (fare enforcement) positions, with 89 actual filled security assistant positions.)¹

Metro also directly employs transit security officers. Metro Security's primary role is to provide security for Metro facilities. This includes the Gateway Building, parking lots, bus division facilities, and similar operations. It also includes providing security over Metro revenue collection and cash counting operations. In these roles, Metro Security has the role of providing a visible deterrence, as well as to observe and report any unlawful activity to law enforcement.

Metro is in the process of developing and issuing a request for proposals (RFP), selecting and awarding a contract for the law enforcement services currently provided by the LASD. In January 2015, Metro staff presented the Board staff with information on three potential options on the structure for the future law enforcement contract. During this meeting the Board staff identified a fourth potential option. These options are:

- Option 1. Use a single law enforcement agency to allocate police officers/deputies as guided and defined by Metro. Reduce the number of sworn officers, and direct deployment of Metro employed Transit Security Officers (TSOs) to conduct fare checks and increase safety presence.
- Option 2. Use multiple law enforcement agencies as guided and defined by Metro. Reduce the number of sworn officers, and direct deployment of Metro employed TSOs to conduct fare checks and increase safety presence.

¹ LASD Full Time Equivalent (FTE) Staffing and Minutes of Service Provided - The contracting and billing approach used by the LASD is based on providing and billing for line level units of service. Examples include a 40-hour one-deputy unit, a 56-hour two-deputy unit. The amount of line level service units contracted for is developed into a staffing plan, which includes the number of full-time equivalent (FTE) LASD personnel needed to both provide the line level units, and to provide the management, supervision, and support for these units. The FTE staffing in the current LASD contract extension includes a total of 468 budgeted FTE sworn positions, and a total of 176 budgeted professional or civilian FTE positions. The contract requires the LASD to provide the contracted service units (tracked and billed in minutes) rather than the FTE employees. In this way, the service is intended to be consistent, regardless of vacancies within the FTE staffing due to turnover, extended sick time, or workers compensation absences. It is also important to note that law enforcement services are provided 24 hours each day, 7 days a week, and 365 days each year. As a result, the actual number of sworn staff on duty at any given time will range from about 140 to 180 sworn personnel.



- Option 3. Use only Metro police and TSOs. Allocation of security staff established by Metro.
- Option 4. Maintain the same level of sworn officers, but deploy them differently to enhance security; and increase the number of Metro TSOs. (Note: this option was not presented by Metro staff, but was developed through Board staff discussion.)



3. Objectives, Scope and Methodology

The objective of this review was to evaluate the four options discussed during the January 2015 Board staff briefing regarding the Metro Law Enforcement Services Contract as outlined in the Statement of Work provided by Metro Office of the Inspector General. The Statement of Work for this review specifically required the following tasks be completed:

- A. Review relevant portions concerning deployment and staffing only of:
 1. Audit report on the LASD contract
 2. Transit Community Policing Plan prepared by LASD
 3. APTA peer review report on transit security
 4. Power point on Metro Security Contract
- B. Interview (via telephone/webcam):
 1. LASD management, and
 2. Metro management and other appropriate staff, and
 3. Other persons who might have information or input helpful to the analysis.
- C. Analyze the four options concerning deployment and staffing discussed above and as set forth in Metro Staff's presentation, and any other options that the consultant might recommend for the future Metro Security Contract considering the following:
 - Consistent with industry and/or APTA best practices,
 - Consultant's experience and expertise with transit community policing,
 - Maximizing security and safety while achieving efficiency and cost effectiveness,
 - Providing effective and efficient bus security and safety, and
 - Recommendations and findings made in the audit report on the LASD contract and the APTA peer review report.
- D. Provide a written analysis of the pros and cons of each security contract Option analyzed in terms of deployment, staffing (i.e., ratio of law enforcement to Metro transit security), and use of one or multiple law enforcement entities, and recommend which option would provide the best path forward considering the areas described in Section C above.



4. Analysis of Law Enforcement and Security Service Options

Below we provide our analysis of the four options presented and discussed at the January Board staff meeting. This discussion includes an overview of each, as well as analysis of each using the following five criteria:

- Law Enforcement Response and Service Effectiveness
- Control and Oversight over Service Delivery
- Fare Enforcement Effectiveness
- Legal Liability Potential

Option 1: Single Law Enforcement Agency at Reduced Staffing Level, Supplemented by Metro Security Officers

This option increased the level of non-law enforcement security coverage, especially to the bus system. This was accomplished by reducing the number of sworn personnel currently being provided by the LASD. Metro Security staffing would be increased. These Metro Security personnel would be deployed throughout the bus and rail system in teams with supervision by Transit Security Sergeants.

Exhibit 1 Option 1: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
Law Enforcement Response and Service Effectiveness	Deployment of sworn personnel by Division could improve system coverage.	Reduction in the level of law enforcement personnel staffing and deployment would have a substantial negative impact on the ability to respond to and address incidents or crimes throughout the system. It is unlikely the contract law enforcement agency would accept responsibility for providing the current level of law enforcement services to the Metro system with the reduced staffing levels.
Control and Oversight over Service Delivery	Metro would exercise increased control and oversight over the fare enforcement efforts and outcomes through direct authority over added Metro Security personnel.	The security and law enforcement personnel deployed throughout the system would be divided or split between two organizations, each with their own independent organization structure and chain of command.



Exhibit 1		
Option 1: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
		Command, control, and coordination of personnel in the field would be more complicated and difficult.
Fare Enforcement Service Effectiveness	The role of the Metro Security Officers would be limited to providing a sense of security within the system through their presence, observing and reporting to law enforcement any incidents or issues requiring law enforcement, and performing fare enforcement activities. Given this, the level of fare enforcement and effectiveness would likely be substantially increased.	To be effective, Security Officers would need to be empowered with some sort of fare enforcement authority, which will require some type of lengthy administrative action to occur (e.g. legislation, board approval, union negotiations, etc.). These actions will be time consuming and may have political implications. Security personnel would not be permitted to issue penal code based citations to minors unless the law is changed, resulting in fewer citations for minors. Currently only law enforcement personnel can issue penal code based citations to minors.
Legal Liability Potential	None	Metro Security Officers might appear to the public to be able to respond to crimes in progress and other law enforcement incidents, without having the authority to provide that response. Metro Security Officers, to be helpful, could potentially respond to such incidents, resulting in liability exposure for themselves and Metro.

Option 1, as presented, is not recommended. While there is potential to deploy law enforcement personnel differently and more efficiently, reduction in sworn-personnel provided by the LASD is not realistic without a severe reduction in the level of safety and security within the system. In addition, response times to incidents throughout the



system that require a law enforcement action would likely prove to be unacceptable to the Metro Board and management.

While there may be some advantages to Metro using its own security force to handle fare enforcement and other minor infractions, (e.g. homeless, loitering, smoking, etc.); they need legal authority to conduct these types of interactions. There would also be related training and other ancillary costs that may be difficult to accurately capture for the basis of this report. Despite these costs under this option, it does allow for the deployment of Metro employees at Metro's discretion and under their direct control. More importantly, it provides additional security throughout the system.

Law enforcement personnel duties concerning fare enforcement responsibility could become secondary as a guiding metric. Fare enforcement by the law enforcement agency would then be used more as crime prevention and management strategy, rather than a revenue generating strategy.



Option 2: Multiple Law Enforcement Agencies at Reduced Staffing Level, Supplemented by Metro Security Officers

This option splits the law enforcement contract among multiple agencies, and increases the level of non-law enforcement security coverage, especially to the bus system. This was accomplished by reducing the number of personnel currently provided by the LASD, adding other law enforcement agency personnel, and additional transit security personnel.

Exhibit 2		
Option 2: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
Law Enforcement Response and Service Effectiveness	For those locations where local law enforcement agencies would be providing service, response times might be improved due to a concentration of law enforcement personnel dedicated to Metro in those areas.	<p>Reduction in the level of law enforcement personnel staffing and deployment would have a substantial negative impact on the ability to respond to and address incidents or crimes throughout the system in those areas where no local law enforcement agency is under contract to Metro because contract law enforcement personnel would be spread too thinly over a large geographic area.</p> <p>Law enforcement would play a limited role in the overall effectiveness of a community policing strategy.</p> <p>Coordination among multiple organizations and clarity over responsibility for response to individual incidents could potentially negatively impact response and service.</p> <p>It is unlikely the contract law enforcement agencies would accept responsibility for providing dedicated law enforcement services to the Metro system with the staffing levels outlined.</p>



Exhibit 2		
Option 2: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
Control and Oversight over Service Delivery	Metro would exercise increased control and oversight over the fare enforcement efforts and outcomes through direct authority over added Metro Security personnel.	The security and law enforcement personnel deployed throughout the system would be divided or split among multiple organizations depending on the number of local law enforcement agencies contracted with, each with their independent organization structure and chain of command. Command, control and coordination of personnel in the field would be much more complicated and difficult.
Fare Enforcement Service Effectiveness	The role of the Metro Security Officers would be limited to providing a sense of security within the system through their presence, observing and reporting to law enforcement any incidents or issues requiring law enforcement, and performing fare enforcement activities. Given this, the level of fare enforcement and effectiveness would likely be substantially increased.	To be effective, Security Officers would need to be empowered with some sort of fare enforcement authority, which will require some type of lengthy administrative action to occur (e.g. legislation, board approval, union negotiations, etc.). These actions will be time consuming and may have political implications. Security personnel would not be permitted to issue penal code based citations to minors unless the law is changed, resulting in fewer citations for minors. Currently only law enforcement personnel can issue penal code based citations to minors.
Legal Liability Potential	None	Placing Security Officers in a position where they appear to the public to be able to provide the appropriate response to crimes in progress and other incidents, without them having the authority to provide that



Exhibit 2		
Option 2: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
		response, puts them in a very difficult position. Metro Security would potentially respond in a manner outside their authority resulting in substantial liability exposure for themselves and Metro.

Option 2, as presented, is not recommended. There is potential to deploy law enforcement personnel differently and more efficiently. There is also potential to supplement the current contract law enforcement services with local police. However, the proposed reduction in the law enforcement services currently provided by the LASD is not realistic without a severe reduction in the level of safety within the system and unacceptable response times to incidents throughout the system.

Under this option, each law enforcement agency would be responsible for coverage in their jurisdiction and the command and control by Metro would be extremely difficult to maintain. The oversight of each individual contract will ultimately prove problematic and unmanageable. Splitting the contract between law enforcement agencies creates an environment where no one has complete ownership of the overall policing strategy. Security effectiveness becomes disjointed and accountability is difficult to maintain.

If the Metro Security force is expanded and law enforcement personnel are reduced the contract law enforcement agency could only react to some of the calls for service. It would be much more limited in undertaking proactive, problem-solving operational services and establishing a strong community policing presence. This is contrary to the current best practice in policing strategies that advocate for a more visible presence and interaction with the community.



Option 3: Establish Metro Police Supplemented by Metro Security Officers

Under this option the Metro Police agency would be reconstituted at reduced sworn staffing levels. Law enforcement personnel would be hired as direct employees of Metro. Metro Police would be supplemented by an increase in the number of Metro Security personnel.

Exhibit 3 Option 3: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
Law Enforcement Response and Service Effectiveness	None	<p>Significant reduction in the level of law enforcement personnel staffing and deployment would have a substantial negative impact on the ability to respond to and address incidents or crimes throughout the system.</p> <p>Direct access to specialized units such as tactical teams, explosive detection assets, etc. would be reduced if not eliminated.</p>
Control and Oversight over Service Delivery	<p>Metro would exercise increased control and oversight over the fare enforcement efforts and outcomes through direct authority over added Metro Security personnel.</p> <p>The security and law enforcement personnel deployed throughout the system would be combined into one organization. Command and control and coordination of personnel in the field would potentially be more direct.</p>	<p>Metro would lose the ability it currently has to remove law enforcement personnel at will by directing the contract law enforcement agency to reassign individuals. Disciplining and discharging Metro Police personnel could potentially be difficult.</p>
Fare Enforcement Service Effectiveness	<p>The role of the Metro Security Officers would be limited to providing a sense of security within the system through their presence, observing and reporting to law enforcement any</p>	<p>To be effective, Security Officers would need to be empowered with some sort of fare enforcement authority, which will require some type of lengthy administrative action to occur</p>



Exhibit 3		
Option 3: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
	incidents or issues requiring law enforcement, and performing fare enforcement activities. Given this, the level of fare enforcement and effectiveness would likely be substantially increased.	(e.g. legislation, board approval, union negotiations, etc.). These actions will be time consuming and may have political implications. Security personnel would not be permitted to issue penal code based citations to minors unless the law is changed, resulting in fewer citations for minors. Currently only law enforcement personnel can issue penal code based citations to minors.
Legal Liability Potential	None	Metro Police under this option would have the authority to address law enforcement issues. However, this option relies heavily on the presence of Metro security officers. Placing security officers in a position where they appear to the public to be able to provide the appropriate response to crimes in progress and other incidents, without them having the authority to provide that response, puts them in a very difficult position. Metro Security would potentially respond in a manner outside their authority resulting in substantial liability exposure for themselves and Metro.

Option 3, as presented, is not recommended. The level of Metro Police staffing presented would be lower than the level currently provided by LASD under contract. This reduction in law enforcement services provided is not realistic without a severe reduction in the level of safety and security within the system and unacceptable response times to incidents throughout the system. In addition, the total number of officers is not conducive to a viable community policing strategy for a transit system that continues to expand.



Rebuilding the Metro Police would be a major and lengthy undertaking. There would be a significant transition period while this option is implemented. The costs of this transition have not been factored into this option by Metro staff.

While a Metro Police force would allow for continuous command and oversight, the long-term disadvantages such as personnel issues, liability, union and supervisory concerns would create an increased burden on Metro.



Option 4: Maintain Current Law Enforcement Staffing Deployed Differently, Increase Number of Metro Security Officers

Option 4 was not presented to the Board staff. The Board Staff identified this option through discussion and it was presented to the Ad Hoc Transit Policing Committee. This option maintains the current level of law enforcement services, and increases the level of non-law enforcement security coverage system-wide.

The LASD currently conducts fare enforcement using security assistants. These personnel and costs could potentially be eliminated or reduced given the fare enforcement efforts of the increased Metro Security personnel.

Exhibit 4 Option 4: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
Law Enforcement Response and Service Effectiveness	Service could be enhanced by more effectively deploying LASD personnel as a part of an operational transit policing strategy, as well as specific bus and rail policing plans.	None
Control and Oversight over Service Delivery	Metro would exercise increased control and oversight over the fare enforcement efforts and outcomes through direct authority over added Metro Security personnel.	The dedicated law enforcement agency or agencies may discount Metro input relative to deployment citing the ability of Metro to assign security to affected areas
Fare Enforcement Service Effectiveness	The role of the Metro Security Officers would be limited to providing a sense of security within the system through their presence, observing and reporting to law enforcement any incidents or issues requiring law enforcement, and performing fare enforcement activities. Given this, the level of fare enforcement and effectiveness would likely be substantially increased.	The dedicated law enforcement agency or agencies may limit responsibility for fare enforcement due to Metro security involvement.
Legal Liability Potential	None	Placing Security Officers in a position where they appear to the public to be able to provide



Exhibit 4		
Option 4: Advantages and Disadvantages		
Criteria	Advantages	Disadvantages
		the appropriate response to crimes in progress and other incidents, without them having the authority to provide that response, puts them in a very difficult position. Metro Security would potentially respond in a manner outside their authority resulting in substantial liability exposure for themselves and Metro.

This option allows for current staffing levels to be maintained and allows for better control and deployment of Metro Security personnel. Once a deployment and staffing analysis is performed, it may allow for reduction in certain staffing levels within the contract law enforcement agency or agencies when Metro security officers are empowered to perform fare enforcement. Determining an appropriate mix of sworn and non-sworn personnel to police the system should be performed. Creative ways to improve safety and fare compliance at minimum increased cost is a reasonable objective as the Metro system expands. Option 4 could provide a step toward that objective.



5. Considerations Moving Forward – Next Steps

Option 4, maintaining the current law enforcement resources deployed differently, is the most viable option of the four options presented and/or discussed. Determining how these resources should be deployed differently is key to moving forward with providing law enforcement and security services for the Metro System. The following are key issues that should be considered, discussed, resolved and clarified to the extent possible in order to most effectively move forward.

Staffing and Deployment Based on Risks and Risk Mitigation Strategies

Ideally, the current staffing and deployment of LASD law enforcement services should be based on a detailed analysis of the safety and security needs of the Metro system. This would include clear identification of the various risks that face the Metro system followed by a discussion and identification of a set of strategies for mitigating these risks, and clear staffing and deployment needs to implement these risk mitigation strategies.

The current staffing and deployment of the law enforcement services provided by LASD to the Metro System have evolved over time, and does not appear to be fully articulated based on risk and risk mitigation strategies. While deployments in an overarching community policing strategy can be based solely on risk, there are times that other considerations for deployment should be employed. This is especially true in the mass transit environment where high visibility patrols are an effective use of personnel to provide reassurance to the riding public in a reserved fashion, and where civilian personnel can perform the more close-up fare inspection work. Consideration should be given to total ridership by line or by station, crime within a certain distance outside of the station, the location of the station itself (e.g. near a tourist attraction, a hospital, large business, historical landmark, etc.) and political or customer input.

Some of this could have been accomplished through the development of an overall Transit Policing Plan, a Bus Operations Policing Plan, and a Rail Operations Policing Plan. The requirements for these plans in the current law enforcement contract provided the opportunity for Metro to clearly articulate its safety and security priorities and for the LASD to clearly outline strategies to meet these priorities.

Moving forward, conducting a risk assessment, identifying risk mitigation strategies, and then identifying the staffing and deployment needs and approach to implement these strategies should be accomplished to provide a foundation for evaluating future options.

Role of Metro Security

Each of the three options presented to the Board staff included substantial expansion of the use of Metro Security personnel to provide safety and security throughout the system. These three options also included reductions in sworn law enforcement staffing, whether provided by LASD, local law enforcement agencies, or a newly reconstituted Metro Police agency.



Metro Security has the role of providing a visible deterrence, as well as to observe and report an unlawful activity to law enforcement. Metro Security officers are not sworn or certified law-enforcement officers and do not have authority to detain or arrest. They therefore cannot be made responsible for responding to law enforcement incidents.

Metro Security Officers need to be provided training that clearly indicates the limits of their authority to avoid liability concerns. This will allow them to take positive actions when they confront problematic situations. Their role is not minimal; they provide an important adjunct to the law enforcement roles performed by a contracted law enforcement agency as well as local police in meeting Metro's security needs. It is important, however, that they not be expected to take actions that would place them in danger or face liability challenges.

While Metro Security may play an effective role in expanded fare enforcement efforts, security personnel cannot replace law enforcement in areas that require the authority to detain and arrest. A reduction in the level of sworn personnel may reduce safety and security within the system and result in slower response times to incidents throughout the system.

Role of Local Law Enforcement Agencies

The contract with LASD required development of a Memoranda of Understanding (MOU) with police agencies throughout the Metro service area. The intent of the MOU's was to ensure that these agencies would be used to augment or supplement the law enforcement services provided under contract.

Local law enforcement agencies have a responsibility to provide basic services to Metro buses and trains within their jurisdictions consistent with the service provided to all others within their jurisdictions. Particularly with buses, which travel completely above ground and are a part of the urban neighborhood, local law enforcement can best be a first responder to incidents on those buses, just as they are to other situations in the neighborhood. Sharing responsibility with these local law enforcement agencies for responding to some types of incidents on buses and trains is appropriate.

The LASD has been developing MOU's with local police agencies. However, the primary purpose of the MOU's developed appears to be clarifying that the Metro buses and trains are the jurisdiction of the LASD rather than attempting to leverage these local resources to augment and improve law enforcement response to incidents on buses and trains.

It is important that Metro and local jurisdictions understand that the current staffing provided to LASD can in no way provide complete police coverage of the transit system spread over many square miles, particularly with regard to buses. Local law enforcement must provide first response unless an LASD unit is nearby. In those situations, the LASD Transit Services follow-up on the incident will help understand whether it is a part of a pattern requiring strategic responses to prevent future occurrences.



Metro is funding transit policing services so that coverage is provided beyond that which local law enforcement can provide. This is particularly true with regard to rail, which is often very separate from the neighborhood through which it runs. But local law enforcement has a core responsibility to respond to many incidents involving transit in their neighborhoods. This immediate and sometimes dual response should be articulated in any MOU's that are implemented with local law enforcement.

Management and Oversight of Law Enforcement Services

The presentation to the Board staff and Ad Hoc Transit Policing Committee stated that under the current model "LASD establishes priorities for resource allocation and deployment of personnel throughout the system." This expresses a need for increased control over law enforcement resources and services by Metro management. Efforts have been occurring to improve the coordination between LASD and Metro management in the past six months, moving toward a more collaborative approach.

In some areas Metro can exercise more control over contracted law enforcement services than if it directly employed law enforcement resources. For example, under the contract Metro can request specific LASD personnel be removed from the Transit Services Division and reassigned immediately. This can be requested without cause or discussion. Metro would have much more difficulty removing directly employed law enforcement personnel.

It may be helpful to distinguish between the functions and roles of establishing priorities, and directing law enforcement resources. Establishing short and long-term priorities for law enforcement services is a critical role for Metro management. The current contract provides opportunities for Metro to accomplish this, including development of the bus and rail policing strategies with the Metro law enforcement provider and expectations on specific performance indicators. These strategies should clearly outline the priorities for law enforcement services. They are far different from the Community Policing Strategy that has been developed, as they provide specific guidance on how the LASD will use its resources to impact priority problems on the transit system. At a minimum, any new contract should provide these requirements and enforcement of the terms should be a priority.

Directing actual law enforcement resources is, and should be, a role reserved to the command structure of the Metro contracted law enforcement agency, consistent with the priorities established by Metro management. In cities, it is the role of the Mayor or City Manager to establish priorities and provide direction regarding what they need. It is the role of the police chief to decide how to deploy law enforcement resources to accomplish those priorities. The Metro Board and management should be able to exercise the same control over priorities and direction.



Appendix:
Review Team Members' Background Information

Robert Wasserman (Strategic Policy Partnership, LLC), served as the Lead Consultant for The Bratton Group's role in the Metro LASD Contract Audit completed for the Metro Office of the Inspector General in 2014. Mr. Wasserman has been intimately involved in transit policing activities for some years, with work including the assessment and design of the transit policing strategy for Transport for London (UK), has served as Interim Director of Transport Policing and Enforcement for Transport for London, developed the performance management (CompStat) initiatives for that agency, and developed the strategic policing plan for the Transit Police in Boston, among many other engagements over the years. He recently served as the lead consultant to the Department of Homeland Security on Suspicious Activity Reporting on rail systems throughout the United States. He is presently serving as a senior advisor to Commissioner William Bratton of the New York Police Department.

Paul MacMillan, Chief of Police (Retired), Massachusetts Bay Transportation Authority, joined the MBTA Transit Police Department in November 1983. He worked in various positions within the department including Patrol, Investigative Services, Accreditation, and Field Training. He was promoted through the ranks and on November 6, 2008, the MBTA Board of Directors appointed then Deputy Chief MacMillan as the Chief of the Department. Chief MacMillan was the first MBTA Transit Police Officer to rise through the ranks to become Chief in the history of the agency. He received a B.S. in Criminal Justice from Northeastern University, a Graduate Certificate in Dispute Resolution from the University of Massachusetts, Boston and a M.A. Degree in Criminal Justice from Western New England College. He is also a graduate of the FBI National Academy and the Senior Management Institute for Police. He was Chair of the Transit Police and Security Peer Advisory Group and Chair of the Committee for Public Safety for the American Public Transportation Association and has participated in numerous peer reviews of transit police and security departments. In addition, he was an assessor and Team leader for the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).

Scott Bryant, BCA Watson Rice Management Consulting Partner, served as the project manager for the Metro LASD Contract Audit completed for the Metro Office of the Inspector General in 2014. He has worked extensively with law enforcement and public safety organizations and agencies. Scott recently led a review of the staffing and services of the Port Police for the Port of Los Angeles. He also conducted a review of staffing of the Los Angeles Sheriff's Department for the County Auditor/Controller. Scott served as Special Assistant to the Chief of Police in Oakland California. For the Orange County Sheriff, Scott was responsible for developing a strategic management approach including a focus on specific outcome oriented goals and developing specific outcome indicators to monitor progress toward these goals. In Long Beach, Scott was responsible for evaluating a proposal by the Los Angeles County Sheriff to provide police services citywide. He also evaluated contracted law enforcement services for the cities of Compton and Elk Grove.

OIG Metro Policing and Security Workload Staffing Analysis. Jan 2016

Link: http://libraryarchives.metro.net/DB_Attachments/161109_Attachment%20E%20-OIG%20Metro%20Policing%20and%20Workload%20Staffing%20Analysis%20January%202016.pdf

PROCUREMENT SUMMARY

TRANSIT LAW ENFORCEMENT SERVICES

1.	Contract Number: PS5862100LAPD24750, PS5863200LASD24750 and PS5862300LBPD24750	
2.	Recommended Vendor: City of Los Angeles County of Los Angeles City of Long Beach	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: February 5, 2016	
	B. Advertised/Publicized: February 5, 2016	
	C. Pre-Proposal/Pre-Bid Conference: February 18, 2016	
	D. Proposals/Bids Due: May 27, 2016	
	E. Pre-Qualification Completed: N/A	
	F. Conflict of Interest Form Submitted to Ethics: May 31, 2106	
	G. Protest Period End Date: November 28, 2016	
5.	Solicitations Picked up/Downloaded: 18	Bids/Proposals Received: 3
6.	Contract Administrator: Aielyn Q. Dumaua	Telephone Number: (213) 922-7320
7.	Project Manager: Alex Z. Wiggins	Telephone Number: (213) 922-4433

A. Procurement Background

This Board Action is to approve Contract Nos. PS5862100LAPD24750, PS5863200LASD24750 and PS5862300LBPD24750 issued to provide law enforcement services to support bus and rail operations throughout the entire Metro transit system. Board approval of contract awards are subject to resolution of all properly submitted protests.

RFP No. PS24798 was issued as a competitively negotiated procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate. The RFP clearly indicated that Metro may award the entire contract to a single Agency, to a partnership between agencies, or to an Agency located within a specific municipal jurisdiction. Hence, potential proposers were given the flexibility to submit proposals covering a specific territorial jurisdiction, multiple jurisdictions, or the entire Metro system. Further, no DBE contract goal was established for this procurement but Proposers were encouraged to utilize DBE certified firms whenever potential subcontracting opportunities are available.

Six amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on February 24, 2016, provided electronic copies of the Planholders' List and pre-proposal conference materials, revised the submittal requirements for the Cost Proposal (Volume III), and extended the proposal due date;
- Amendment No. 2, issued on March 3, 2016, updated the Notary Public Acknowledgment section of the Proposal Letter (Pro Form 053), and revised Exhibit 4: Part A – Cost Proposal (Summary) and Exhibit 5 – Part A- Cost Proposal (Detail) to include the Expo Line Phase 2 stations and exclude duplicate stations;
- Amendment No. 3, issued on April 1, 2016, revised the final date for questions to align with the extension of the proposal due date, revised Exhibit 4: Part A – Cost Proposal (Summary) to clarify cost information to be provided, and invited potential proposers to a one-time site visit/job walk to tour selected Metro facilities that may be made available to the Contractor upon contract award;
- Amendment No. 4, issued on April 15, 2016, revised Exhibit 5: Part A – Cost Proposal (Detail) to align with changes to Exhibit 4: Part A: Cost Proposal (Summary) issued per Amendment No. 3;
- Amendment No. 5, issued on May 5, 2016, clarified the basis of selection and award and the evaluation process, and revised Exhibit 4: Part A – Cost Proposal (Summary) and Exhibit 5: Part A – Cost Proposal (Detail) to include a separate cost proposal table for management/supervisory staff; and
- Amendment No. 6, issued on May 17, 2016, provided electronic copies of the Site Visit/Job Walk sign-in sheet and agenda and materials provided.

A pre-proposal conference was held on February 18, 2016, and was attended by 23 participants representing 7 law enforcement agencies. The site visit/job walk was conducted on April 22, 2016 and was attended by 10 participants representing 2 law enforcement agencies. There were 27 questions received and responses were provided prior to the proposal due date.

A total of three proposals were received on May 27, 2016, and are listed below in alphabetical order:

1. Los Angeles County Sheriff's Department
2. Los Angeles Police Department
3. Long Beach Police Department

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team (PET) consisting of staff from Metro's System Security and Law Enforcement, Risk Management, and Office of Management and Budget was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and weights:

- Agency Qualifications and Capabilities 15 percent
- Experience and Capabilities of Key Personnel 15 percent
- Management Plan/Approach 45 percent
- Homeland Security and Emergency Preparedness 10 percent
- Cost Proposal 15 percent

The evaluation criteria are appropriate and consistent with criteria developed for law enforcement services procurements. Several factors were considered when developing these weights, giving the greatest importance to the Management Plan/Approach.

On May 31, 2016, the PET met to process confidentiality and conflict forms and take receipt of the three responsive proposals to initiate the evaluation phase. Evaluations were subsequently conducted and the PET determined that all three agencies were within the competitive range. Based on evaluation results, the PET deemed that it would be most advantageous to Metro to award contracts to all three law enforcement agencies based on best value. This alternative would increase law enforcement visibility, improve response time to calls for service, deter crime, reduce vulnerability to terrorism, maximize the use of free basic "911" services, enforce Metro's Code of Conduct and reduce fare evasion. More importantly, this alternative is less cost prohibitive. In view thereof, the PET determined to commence negotiations without need for oral presentations with all three agencies.

Qualifications Summary of Firms Within the Competitive Range:

Los Angeles County Sheriff's Department

The Los Angeles County Sheriff's Department (LASD) was established in 1850 and has been providing contract law enforcement services to government agencies/entities since 1954. It presently serves 40 contract cities, 90 unincorporated communities, 216 facilities, hospitals and clinics located throughout the County, nine community colleges and 47 Superior Courts. It also provides services such as laboratories and academy training to smaller law enforcement agencies within the County. Additionally, LASD is responsible for securing approximately 18,000 inmates daily in seven custody facilities which include providing food and medical treatment.

LASD proposed to provide transit law enforcement services on all Metro properties, including all rail and bus stations, lines, platforms, tunnels, buildings, Maintenance and Operations Divisions and other critical infrastructure and the like.

Los Angeles Police Department

The Los Angeles Police Department (LAPD), established in 1869, provides police service to the City of Los Angeles encompassing 498 square miles and a population of 4,030,904 people. With about 9,843 officers and 2,773 civilian staff, LAPD is the third largest municipal police department in the United States. Aside from serving the communities within the City of Los Angeles, LAPD presently provides Bomb K-9 contract police services at LAX and responds to bus-related emergencies. From 1997 to 2002, LAPD partnered with Metro to provide contract law enforcement services to Metro's Red Line and Metro's bus service within the City of Los Angeles.

LAPD's proposed contract policing services include the major components of Metro's transportation system that lie within the geographical boundaries of the City of Los Angeles. LAPD defines the proposed service are as follows: the entire Red Line; the entire Purple Line; the entire Orange Line; portions of the Blue Line, Gold Line, Expo Line, Green Line, and Silver line within the City of Los Angeles and Metro bus service within the City of Los Angeles.

Long Beach Police Department

The Long Beach Police Department (LBPD), founded in 1888, is the second largest municipal agency in Los Angeles County and provides law enforcement services to the City of Long Beach, the seventh largest city in the State of California. It has over 800 sworn officers and a total staffing of over 1,200 personnel. LBPD also provides contracted law enforcement services to the Port of Long Beach, Long Beach Airport, Long Beach Transit, and Long Beach City College.

LBPD proposed to provide law enforcement services on a segment of the Blue Line, consisting of 10 stations namely: Artesia, Del Amo, Wardlow, Willow Street, Pacific Coast Highway, Anaheim Street, 5th Street, 1st Street, Downtown Long Beach, and Pacific Avenue stations.

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	Long Beach Police Department				
3	Agency Qualifications and Capabilities	74.20	15.00%	11.13	
4	Experience and Capabilities of Key Personnel	80.00	15.00%	12.00	
5	Management Plan/Approach	73.67	45.00%	33.15	
6	Homeland Security and Emergency Preparedness	81.50	10.00%	8.15	
7	Cost Proposal	100.00	15.00%	15.00	
8	Total		100.00%	79.43	1

9	Los Angeles Police Department				
10	Agency Qualifications and Capabilities	85.53	15.00%	12.83	
11	Experience and Capabilities of Key Personnel	90.80	15.00%	13.62	
12	Management Plan/Approach	77.67	45.00%	34.95	
13	Homeland Security and Emergency Preparedness	90.00	10.00%	9.00	
14	Cost Proposal	14.40	15.00%	2.16	
15	Total		100.00%	72.56	2
16	LA County Sheriff Department				
17	Agency Qualifications and Capabilities	73.00	15.00%	10.95	
18	Experience and Capabilities of Key Personnel	75.87	15.00%	11.38	
19	Management Plan/Approach	66.78	45.00%	30.05	
20	Homeland Security and Emergency Preparedness	87.00	10.00%	8.70	
21	Cost Proposal	33.33	15.00%	5.00	
22	Total		100.00%	66.08	3

C. Cost/Price Analysis

The final negotiated amounts will comply with all requirements of Metro's Acquisition Policy and Procedures, including fact-finding, clarifications, negotiations, and cost analysis to determine a fair and reasonable price before contract execution.

Original Proposal

	Proposer Name	Area of Coverage	Proposal Amount	Metro ICE
1.	LASD	Entire Metro System	\$732,030,980	\$367,179,833
2.	LAPD	Metro rail and bus stations and other Metro facilities within City of Los Angeles	\$396,782,595	
3.	LBPD	10 Blue Line Stations	\$42,171,878	

Staff Recommendation

	Proposer Name	Area of Coverage	Revised Proposal ^{1/}	Negotiated or NTE amount	Metro ICE
1.	LASD	Bus and rail	\$129,800,051	\$129,800,051	\$367,179,833

		stations outside the Cities of Los Angeles and Long Beach		<u>\$149,800,051</u>	
2.	LAPD	Metro rail and bus stations and other Metro facilities within City of Los Angeles	\$377,620,834	\$369,696,813	
3.	LBPD	8 Blue Line Stations	\$27,532,772	27,088,968	
Total				\$526,585,832 \$546,585,832	

1/ as a result of clarifications

The proposed aggregate amount of the three contracts in the amount of ~~\$526,585,832~~ **\$546,585,832** is greater than Metro’s independent cost estimate (ICE) because of the following factors:

1. unanticipated start-up costs for all 3 agencies;
2. supplemental services not provided in the statement of work which were found to be of significant benefit to Metro through discussions (e.g., Special Problems Unit and Threat Unit, Homeless Outreach and Mental Evaluation Teams etc.);
3. staffing adjustments in light of increasing threats associated with global terrorism and violent extremism; and
4. increase in estimated labor escalation rate to align with labor union contracts.

D. Background on Recommended Contractor

Los Angeles County Sheriff Department

The Los Angeles County Sheriff Department (LASD) is headquartered in Los Angeles, California. LASD is statutorily responsible for providing law enforcement in the County of Los Angeles and serves as the Director of Emergency Management for the County.

LASD has been providing transit community policing services to Metro since July 2009. Performance generally meets the scope of work requirements. LASD proposed the same key personnel team under the current contract.

Los Angeles Police Department

The Los Angeles Police Department's (LAPD) is the law enforcement agency for the City of Los Angeles. Its authority to police was granted by the state constitution.

LAPD's proposed management team possesses a wide breadth of experience which includes community policing, anti-terrorism and DHS activities, gang/narcotics, traffic and transit. The proposed Commanding Officer is a graduate of the Federal Bureau of Investigation (FBI) National Academy.

Long Beach Police Department

The Long Beach Police Department (LBPD) provides law enforcement for the City of Long Beach. It has partnered with entities such as Metro, Los Angeles County Sheriff's Department, Transportation Security Administration, Department of Homeland Security, FBI, and Union Pacific Railroad Police to improve communication and increase security in the City of Long Beach.

The Command Unit collectively has experience in transit and airport policing.

DEOD SUMMARY

TRANSIT LAW ENFORCEMENT SERVICES

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) goal because there were no apparent subcontracting opportunities. The County of Los Angeles, City of Los Angeles, and City of Long Beach will provide the transit policing services.

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.

Metro Comprehensive Policing and Security Strategy



Metro

To provide excellence in service and support

Today's Transit Security Environment

Agency executives and security professionals must address crime and disorder, while concurrently mitigating threats associated with terrorism.



Metro

To provide excellence in service and support

Integrated, Multi-Layered Security Approach



To provide excellence in service and support

How the Pieces Work Together

Metro's security plan is multi-layered, integrating technology, Metro employees and patrons, security personnel, local police and federal partners.

- **Partners** - Metro collaborates with DHS/TSA and the FBI's Rail Security Coordinator
- **Police** - Metro relies on a community policing model to address crime and reduce the system's vulnerability to terrorism by maintaining a "felt" presence
- **Metro Security Officers** - are tasked with system security and fare enforcement
- **Private Security Guards** - assigned to stations and facilities
- **Employees & Patrons** - "see something say something"



Metro

To provide excellence in service and support

Overarching Mission

“To ensure Metro patrons and employees can ride and work safely, without fear, 100% of the time.”

Rider Feedback

A recent Metro survey revealed
29% of past riders left the system
because they did not feel safe.

Rider Feedback

15% of current riders want to see more security

Law Enforcement Performance Reviews

- March 2014: Request for Interest to all law enforcement agencies
- June 2014: OIG LASD Contract Audit
- July 2014: APTA Peer Review
- September 2014: AD-Hoc Transit Policing and Oversight Committee Established
- April 2015: Law Enforcement and Security Options
- January 2016: OIG Workload Staffing Analysis



Metro

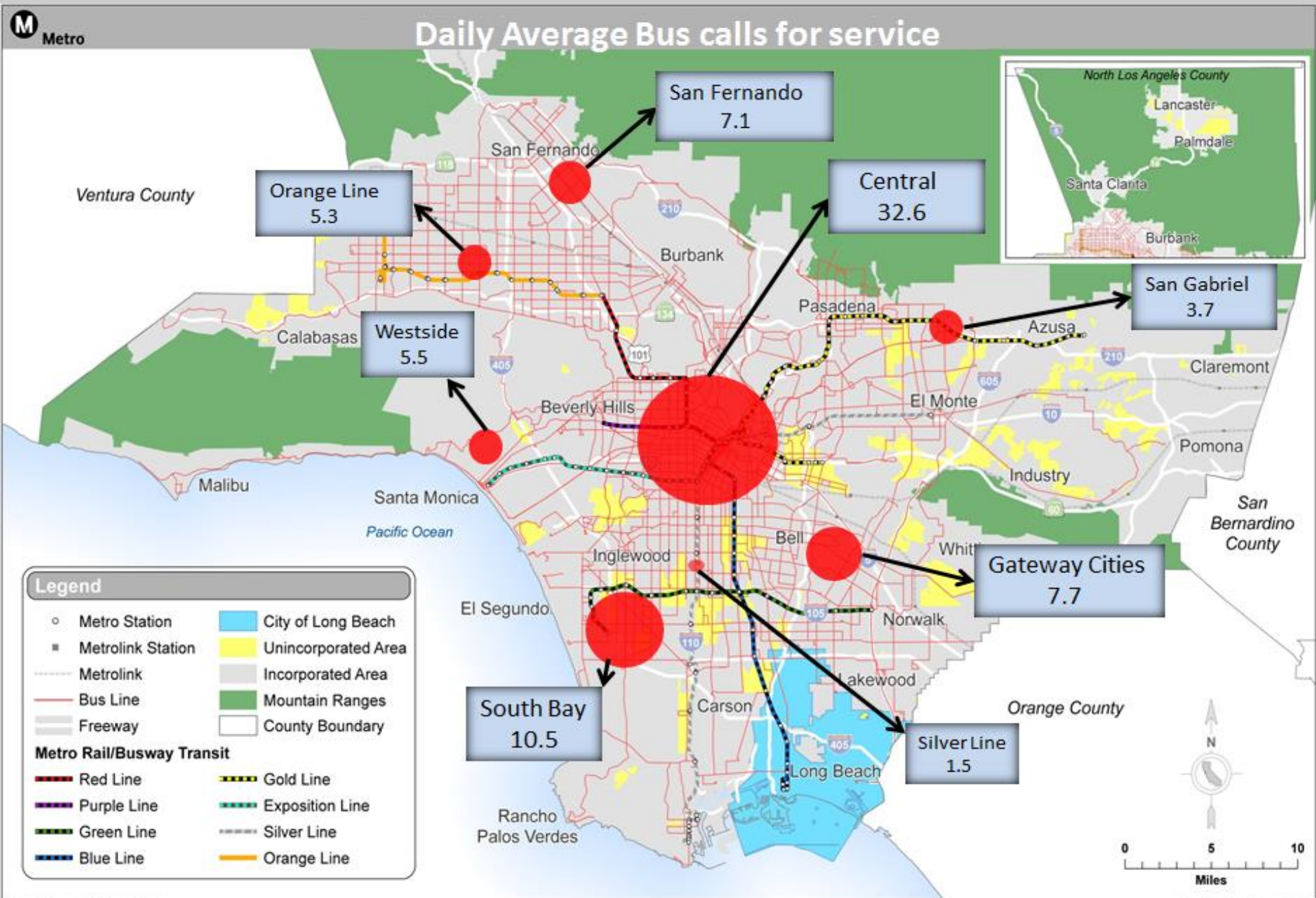
To provide excellence in service and support

Key Areas of the 2016 Analysis

Key focus areas included:

- Enhancing system-wide security presence to deter crime and disorder, as well as to reduce the system's vulnerability to terrorism
- Securing Metro bus and rail facilities
- Exploring alternate mixes of security and law enforcement staffing
- Defining the roles of law enforcement and security personnel

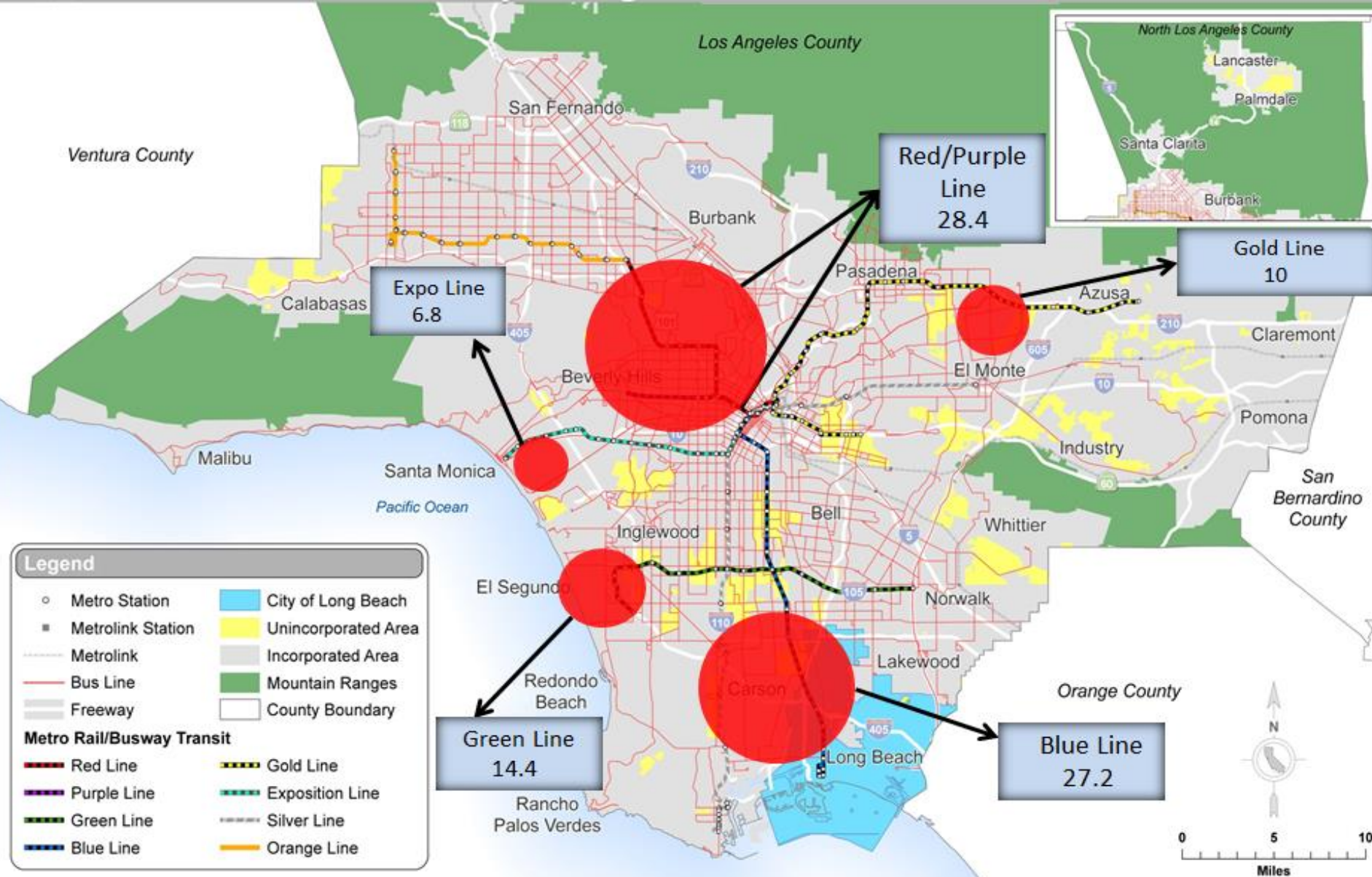
Bus Related Calls for Service



Rail Related Calls for Service



Daily Average Rail calls for service

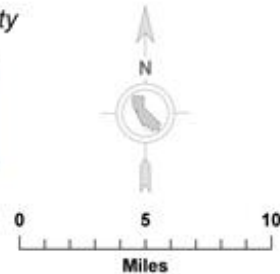


Legend

- Metro Station
- Metrolink Station
- Metrolink
- Bus Line
- Freeway
- City of Long Beach
- Unincorporated Area
- Incorporated Area
- Mountain Ranges
- County Boundary

Metro Rail/Busway Transit

- Red Line
- Purple Line
- Green Line
- Blue Line
- Gold Line
- Exposition Line
- Silver Line
- Orange Line



New Law Enforcement RFP

Staff worked with Operations, OMB and the OIG's consultant (BCA) to establish a baseline for police services. Key changes:

- Improve system-wide visibility and response times
- Achieve reliable staffing
- Leverage “*no cost*” basic 911 police services
- Partner with local agencies
- Tighten contract compliance

Staff Recommendation

MULTI-AGENCY CONTRACT AWARD

- LONG BEACH POLICE DEPARTMENT
 - ✓ Effective January 1, 2017
- LOS ANGELES POLICE DEPARTMENT
 - ✓ Begin Mobilization January 1, 2017
 - ✓ Full Strength July 1, 2017
- LOS ANGELES COUNTY SHERIFF DEPARTMENT
 - ✓ Begin Demobilization and Redeploy January 1, 2017
 - ✓ Complete Demobilization and Redeploy July 1, 2017



A New Model

Now

- Staffing does not meet Metro's Operational Needs
- Major gaps during shift change
- Poor late night coverage
- Staffing is unpredictable

Proposed

- Dedicated bus and rail staffing - 240-257
- Coverage during shift change
- Improved late night coverage
- Accountability for staffing

Accountability & Reporting Requirements

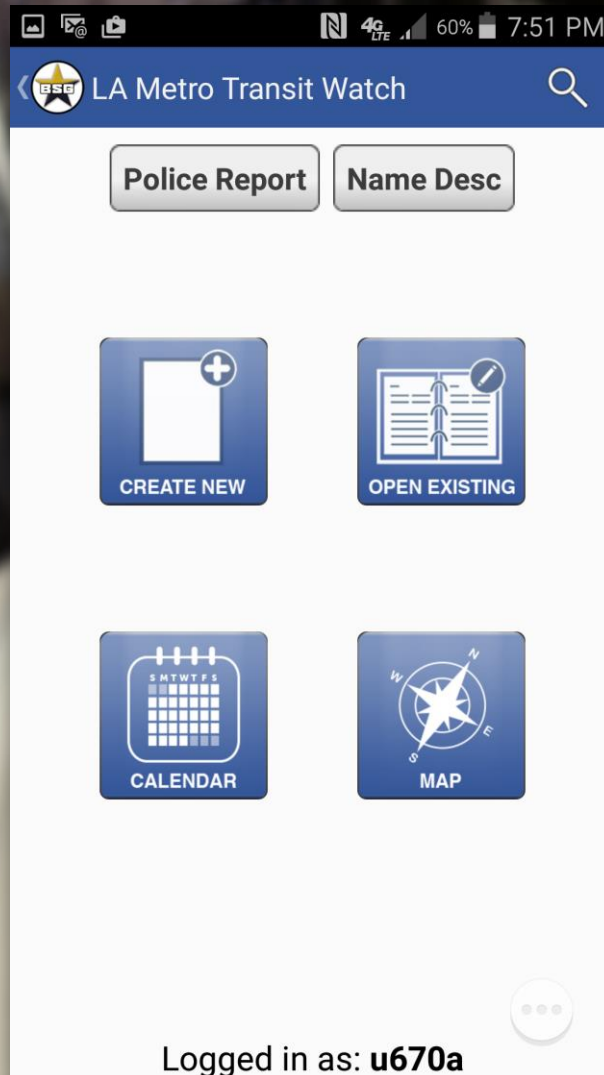
- **Summary of daily activity**
 - Inclusive of name, activity, assignment, rank, and hours worked by each officer/deputy/supervisor
- **Monthly reporting of all enforcement activity, crime analysis trends, and cases referred to follow investigators (including disposition)**
- **Key Performance Indicators (KPI's) to track increases/decreases in reported crime, proactive patrol activity, response times, bus & train rides, vacancy ratios...**



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Mobile GPS Enabled Communications



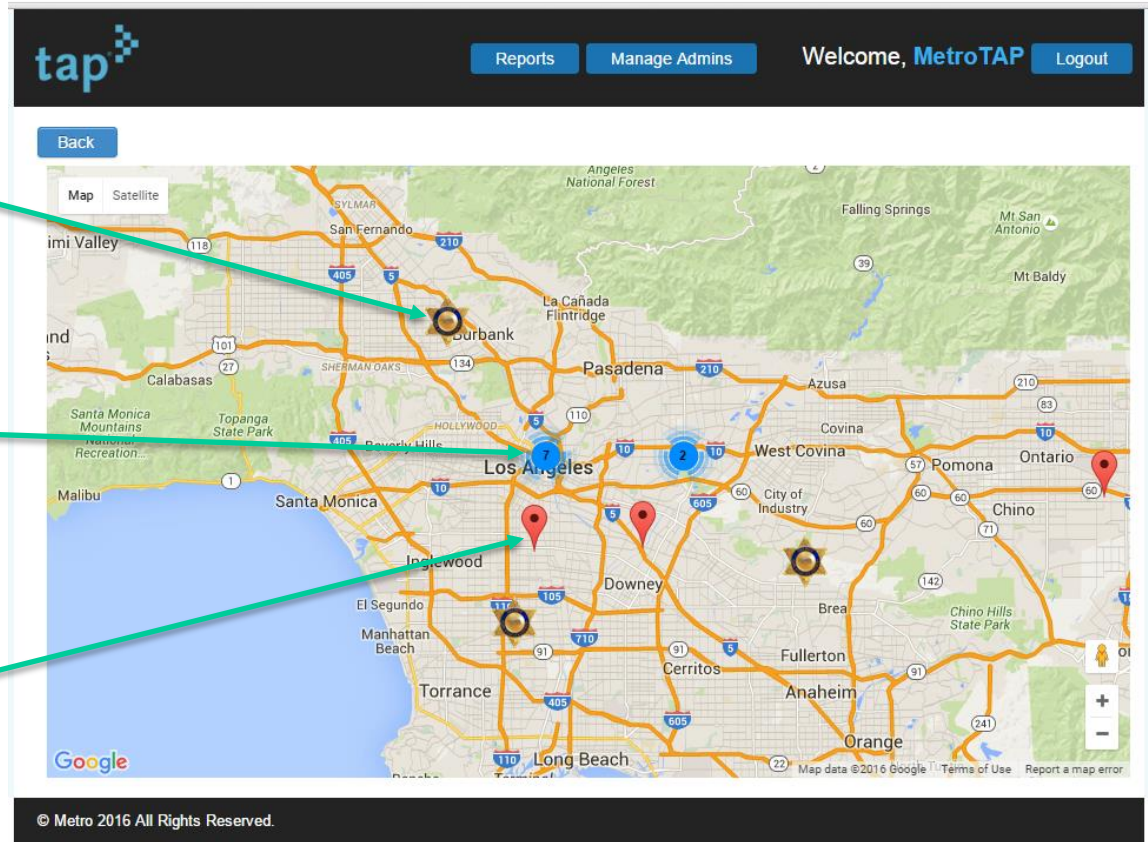
- **Receives Transit Watch reports**
- **Logs officer initiated activity**
- **Records disposition of calls**

Real-Time GPS Tracking

Sworn Officers
identified by
agency

Multiple Metro
fare inspectors
identified by #

Individual fare
inspectors
identified by
pin



Multi-Agency Operational Benefits

- 1400 square miles service area
- Agencies are best positioned to manage Metro incidents within their own jurisdiction
- Improved response times for emergency calls
 - 6 minutes in the City of Los Angeles
 - Under 5 minutes in Long Beach
 - Current response times average 16 minutes for all calls. The January OIG Workload and Staffing Analysis identified 14.1 minutes for bus calls; 12.8 minutes for rail calls
- Leverages “free” basic police services



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Day to Day Command and Control

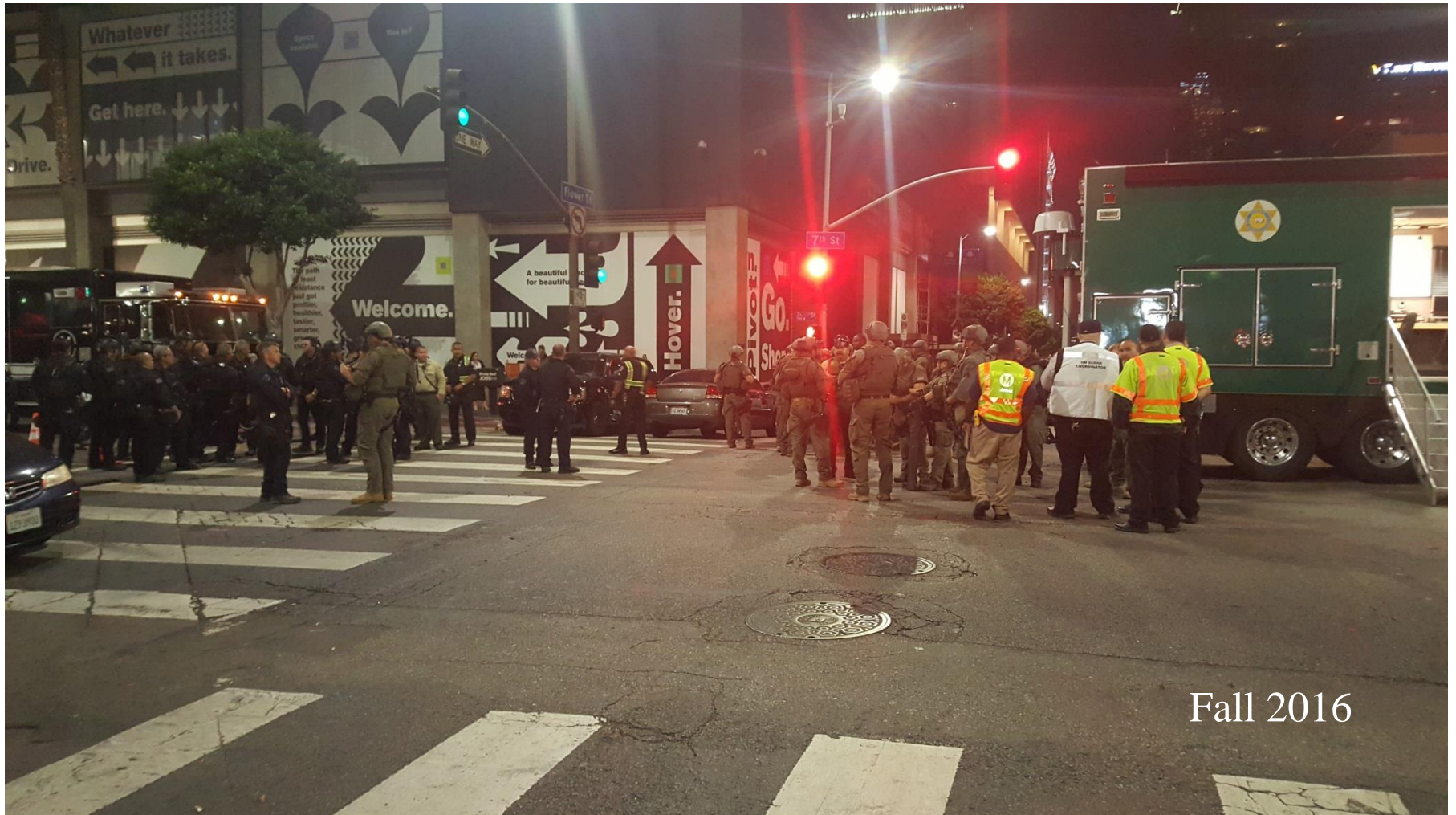
- Law enforcement dispatching co-located with bus/rail operations
- Unified Command is implemented when multiple agencies are required to respond to large scale events
- Post 9/11, police, fire and EMS can communicate across agencies
- Metro is the lead agency for security, emergency management, and oversees transit police contract compliance
 - 4 FTEs added since August 2015



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Unified Command and Multi-Agency Coordination



Fall 2016



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Transit Agency Security Approaches

Multi-Agency Examples:

- Portland's Tri-Met - 17 police agencies
- Denver's RTD - 4 police agencies
- Oakland's AC Transit - 2 police agencies
- Sacramento Regional Transit - 4 police agencies

Transit Agencies with in-house policing only

- Boston, Philadelphia, & Bay Area
- But in every case, the transit agency manages its law enforcement & security resources based upon operational needs



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Multi-Agency Staffing

- **168 LAPD Field Personnel**
- **14 LBPD Field Personnel**
- **58 - 75 LASD Field Personnel**
- **Total 240 – 257 Field Personnel**

Budget Distribution by Agency

Jurisdiction/ Agency	Field Personnel	% Personnel	Bus & Train Boardings %	Allocated budget %
LONG BEACH	14	5.8% - 5.5%	1.43%	5%
LOS ANGELES	168	70% - 65.4%	72.39%	67.6%
LASD/or Others	58 - 75	24.2% - 29.2%	26.18%	27.4%
Total	240 - 257	100%	100.00%	100.00%



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Rider Feedback

A recent Metro survey revealed
18% of past riders indicated that
they would ride Metro again if
increased safety/security measures
were implemented.

Final Staff Recommendation

- LONG BEACH POLICE DEPARTMENT
 - ✓ Effective January 1, 2017
- LOS ANGELES POLICE DEPARTMENT
 - ✓ Begin Mobilization January 1, 2017
 - ✓ Full Strength July 1, 2017
- LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
 - ✓ Begin Demobilization and Redeploy January 1, 2017
 - ✓ Complete Demobilization and Redeploy July 1, 2017
- Flexibility for additional local law enforcement MOU as system grows.



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Next Steps

- Initiate 6 month LAPD mobilization beginning January 1, 2017
 - ✓ Train staff
 - ✓ Acquire, install equipment
 - ✓ Coordinate with Metro Security, Operations, LASD to develop response protocols
- Train LBPD immediately and develop response protocols
- Mobilize and deploy LBPD January 1, 2017
- Initiate LASD redeployment strategy January 1, 2017