



Board Report

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Agenda Number: 23.

REVISÉD
EXECUTIVE MANAGEMENT COMMITTEE
OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 16, 2023

SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to negotiate and execute contract modifications to extend the current multi-agency transit law enforcement contracts annually for up to three additional years, through June 30, 2026, utilizing funds to be requested during future fiscal years' budget processes, contingent on compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and
- B. REPORTING back to the Board in April 2023 on the feasibility of establishing an in-house Metro Transit Police Department to support Metro's Public Safety Mission and Value Statements.

ISSUE

At its February 2017 meeting, the Board approved the award of three individual five-year, firm-fixed unit rate contracts to the City of Long Beach (LBPD), City of Los Angeles (LAPD), and County of Los Angeles (LASD) for multi-agency law enforcement services to support its day-to-day bus and rail operations across Metro's entire service area. Those contracts are set to expire on June 30, 2023.

On April 29, 2022, Request for Proposals (RFP) PS45017 for transit law enforcement services was issued as a competitive solicitation in accordance with Metro's Acquisition Policy. A total of five proposals were received by the due date of October 10, 2022.

Based upon the evaluation of the responses, it is in Metro's best interest to modify the existing contracts to require compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and extend the period of service annually for up to three additional years, subject to the yearly appropriation of the Board, rather than award contracts that are not

consistent with Metro's Public Safety Mission and Values.

This recommendation is consistent with Metro's commitment to creating a safe and secure transit system for Metro passengers and employees and understanding of the positive impact the right law enforcement presence, in conjunction with other approaches to safety, can have on the system's safety.

In addition, a report back to the Board in April 2023 on the feasibility of another potential consideration an in-house Transit Police Department to supplement a layer that aligns with Metro's Public Safety and Vision Statements.

BACKGROUND

Ensuring rider and employee safety is imperative to Metro's ability to provide a world-class transportation system that enhances the quality of life for all who use the Metro system.

In 2017, LBPD, LAPD, and LASD were awarded a five-year contract for multi-agency law enforcement services, collectively valued at \$645,675,758. The contracts have been amended seven times, and the total contract value for the six-year period is \$911,875,378 through June 30, 2023.

The specific tasks that the law enforcement agencies are responsible for:

1. Responding to calls needing law enforcement intervention, including safety emergencies;
2. Conducting joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state, and federal law enforcement agencies;
3. Riding Metro buses and trains, patrolling bus and rail stations/corridors, and maintaining high visibility at key Metro critical infrastructure locations;
4. Conducting proactive anti-crime operations when not handling a dispatched call;
5. Participating in Metro emergency and disaster preparedness planning and drills; and
6. Collaborating with social service agencies to address the impact of homelessness on the transit system.

Through the Public Safety Advisory Committee (PSAC), public safety surveys of Metro ridership, surveys of employees, surveys of people experiencing homelessness, customer experience surveys, surveys specific to the concerns of women, and conveyed in public comment at Metro Board Meetings, the Board and staff have heard many diverse perspectives regarding opportunities to improve public safety on the Metro system and within Metro facilities.

As a result, at its December 2021 meeting, the Board unanimously approved modifications to the scope of work for the multi-agency law enforcement contracts and adopted the following Public Safety Mission and Value Statements:

Mission Statement:

Metro safeguards the transit community by taking a holistic, equitable, and welcoming approach to

public safety. Metro recognizes that each individual is entitled to a safe, dignified, and human experience.

Values Statements:

- Implement a Human-Centered Approach
- Emphasize Compassion and a Culture of Care
- Recognize Diversity
- Acknowledge Context
- Committed to Openness and Accountability

At its February 2022 meeting, the Board received the framework for the Reimagined Public Safety Plan -- a new, human-centered public safety plan based on the idea that each individual is entitled to a safe, dignified, and human experience. This plan is reflective of Metro's new Public Safety Mission and Values Statements adopted by the Board in December 2021.

Over the past year, Metro has taken numerous positive steps to implement that plan, including the deployment of community-based alternatives to law enforcement, the development and ongoing monitoring of pilot safety and security programs, and the incorporation of input and refinements regarding the efficacy of interventions. At the same time, Metro gained input on and tested ways law enforcement can be most effective as a part of the strategy to ensure a safe system for all.

As the current contracts expire on June 30, 2023, staff initiated a competitive procurement process in April 2022. Proposals were received in October 2022 and were evaluated in accordance with the terms of the RFP, which sought to incorporate the lens of the new Public Safety Mission and Value Statements. However, as summarized in Attachment A, two of the proposing agencies took material exceptions to the scope of work as well as Metro's contract terms and conditions. As a result, staff has determined that it is in the best interest of Metro to cancel the RFP, extend the current contracts, and explore the feasibility of creating an in-house Transit Police Department that could serve as an effective approach to implementing Metro's reimagined public safety plan that upholds Metro's Public Safety Mission and Value Statements.

DISCUSSION

As Metro focuses on rebuilding ridership levels which declined during the pandemic, facilitating a safe and enjoyable transit experience is the top priority. However, in the 2022 Metro Customer Experience Survey, riders expressed concern about their safety at bus stops and train stations and on buses and trains, especially at night. Overall, out of the 40 service factors rated by Metro riders, all but one of the issues ranked as most needing significant improvement involve safety:

- Presence of security staff on *buses* and *trains*
- Enforcement of Metro rules on *trains* and *buses*
- Personal security on Metro *trains* and *buses* at night
- Personal security at Metro *train stations* and *bus stops* at night
- How well Metro addresses homelessness on *buses* and *trains*

- Shade at bus stops

OIG Audit Findings Related to Law Enforcement Contracts

Annual audit reports by the Office of the Inspector General (OIG) over the past several years reflect the challenges Metro has faced in the deployment of contracted law enforcement services. Concerns that have been identified include poor police visibility on buses, trains, and at stations, inconsistent staffing at key critical infrastructure locations, and ineffective monitoring and oversight of contracted law enforcement personnel to ensure they are patrolling on the Metro system. Many of the challenges are recurring in the audit reports and have not been remedied. According to the most recent OIG audit report (2022-0790), the police agencies are unable to provide information on deployment metrics, including the number of train and bus boardings, how much time officers spend riding trains and buses, and how much time officers spend at train stations. For example, according to the 2022 OIG audit report, LASD patrol deputies are assigned to ride trains on only 12 of the 178 weekly shifts. Instead, they are deployed in vehicles assigned to patrol three separate shifts. In addition, deputies are assigned in vehicles across LA County to improve response times, but that reduces their visible presence in the Metro system. The OIG audit report also found that 54% of the LAPD calls for service involving Metro were answered by neighborhood patrol units, not the LAPD officers assigned to Metro at the time of the call.

In response to the OIG's findings as well as customer and employee feedback, staff sought to make refinements in the solicitation for multi-agency law enforcement services to ensure it was consistent with Metro's Public Safety Mission and Values, was complementary to the other parts of the new public safety plan, and - importantly - ensured delivery of consistent law enforcement service for Metro customers and employees. For example, the new solicitation included requirements to improve the transparency of law enforcement operations, and that allowed Metro to directly monitor and oversee deployment locations, staffing levels, and the histories of staff deployed to patrol the system.

Request for Proposals

Five proposals were received from four proposers in response to the procurement: Beverly Hills Police Department (BHPD), Long Beach Police Department (LBPD), Los Angeles Police Department (LAPD), and Los Angeles County Sheriff's Department (LASD) - which submitted a proposal for the multi-agency policing model as well as a proposal for a systemwide policing model. The new solicitation included scope of services and terms and conditions that embraced Metro's Public Safety and Vision Statements.

During the proposal evaluation process, Metro sought clarifications and confirmation of exceptions, including material exceptions, proposers requested to the scope of services and terms and conditions. Note: *Material exceptions means significant or important enough to make a meaningful difference or impact. In the case of a response to a solicitation, a material exception would be a provision in the proposal that deprives Metro of something essential to the solicitation.* "Best and Final" responses from two of the proposers highlighted material exceptions related to greater oversight and accountability desired by Metro to align with the Board approved Public Safety Mission and Value Statements and proposed Public Safety Data Policies (Attachment A). In general,

proposers noted that adherence to the required scope of services, including terms and conditions, would conflict with their Departments' normal and customary practices and policies in the provision of law enforcement services.

As stated in RFP No. PS45017, the proposers were required to acknowledge that they "understood that if it is not in the best interest of LACMTA to accept proposed exceptions, notice will be provided to the Proposer to accept the Terms and Conditions as stated in the RFP or be eliminated for further consideration." Furthermore, as stated in the RFP Instructions to Proposers section, proposers were advised that they "must comply in all material respects with the RFP" and "Metro reserves the right to cancel the entire RFP".

Under a multi-agency approach to policing, material exceptions by any one proposer would result in law enforcement services that fail to meet Metro's overall system needs as specified in the RFP, and on that basis, it is in the best interest of Metro to not award new contracts. Ultimately, non-adherence would result in the delivery of inconsistent standards that would erode the trust of our customers and employees in Metro's ability to keep them safe on the system.

Extension of Current Contract

Metro's law enforcement partners, complemented by robust alternative deployment solutions, are an important part of ensuring Metro riders and employees are -and feel - safe on the system. LBPD and LASD took no material exceptions to the RFP and LAPD has a department Bias-Free Policing policy. Therefore, staff recommends continuing the current law enforcement contracts for up to three years while new approaches consistent with our Public Safety Mission Values are piloted and evaluated. The contract extension would be compliant with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy.

For example, as an alternative to exclusively relying on law enforcement partners to patrol buses and trains, the Board is being asked to consider during this Board cycle, the funding of 48 additional Transit Security Officers that will create Permanent Bus Riding Teams, who are deployed to specific lines with higher frequencies of public safety issues, with a primary objective of deterring bus operator assaults and code of conduct violations.

In addition, if the Board extends the current contracts for multi-agency law enforcement services, in addition to the aforementioned duties and responsibilities, law enforcement partners will be deployed for strategic assignments for which their involvement has proven to be beneficial, including but not limited to:

- Partnering on Ancillary Clean-up Teams to ensure a safe work environment for maintenance crews;
- Operating as partners in the Emergency Operations Center, including coordination activities, intelligence sharing, and providing anti-terrorism details to ensure specific stations are secure during special events;
- Collaborating with the OIG's office in obtaining exclusion orders for repeat offenders.
- Partnering on the Respect the Ride Pilot;

- Partnering on “End of Line” efforts, including counts and surveys of people experiencing homelessness; supporting training for Metro Ambassadors;
- Partnering on initiatives to address specific issues (e.g., drug use enforcement, MacArthur Park station improvements) that are detrimental to the customer experience and specifically require law enforcement response;
- Providing extra patrols in the Gateway parking structure; and
- Community and employee outreach.

In-House Transit Police Department for Greater Oversight & Accountability

This procurement process, and the realization that the requested scope of services, including terms and conditions, would conflict with the contract law enforcement agencies’ normal and customary practices and policies, underscores the fact that a contracted law enforcement approach may never allow Metro to have sufficient transparency and oversight over the deployment of non-Metro personnel.

Many other transit agencies have addressed this dynamic by establishing their own police departments. As described in Table 1 below, eight of the largest U.S. transit agencies have their own transit police department. The exceptions are the Chicago Transit Authority which utilizes contract police services provided by the Chicago Police Department (CTA), and the San Francisco Municipal Railway (MUNI), which receives police services through the San Francisco Police Department.

Table 1: Police Departments within Ten of the Largest U.S. Transit Agencies

Transit Agency	Unlinked Passenger Trips* 2019 (Thousands)	Has Transit PD
1) Metropolitan Transit Authority - New York City ** (NYCT)	3,451,139	✓
2) Chicago Transit Authority (CTA)	455,743	
3) Massachusetts Bay Transportation Authority (MBTA)	366,716	✓
4) Washington Metropolitan Area Transit Authority (WMATA)	354,656	✓
5) Southeastern Pennsylvania Transportation Authority (SEPTA)	308,266	✓
6) New Jersey Transit Corporation (NJ TRANSIT)	267,270	✓
7) San Francisco Municipal Railway (Muni)	223,338	
8) King County Metro Transit (KCMT)	128,666	✓
9) San Francisco Bay Area Rapid Transit (BART)	128,217	✓
10) Metropolitan Atlanta Rapid Transit Authority (MARTA)	117,759	✓

*APTA defines unlinked passenger trips as “The number of passengers who board public

transportation vehicles. Passengers are counted each time they board vehicles no matter how many vehicles they use to travel from their origin to their destination.”

**NYCT has a combination of in-house transit police and local law enforcement.

An internal police department feasibility study is warranted because even though it would likely pose challenges, there may be advantages to creating an internal Transit Police Department to supplement/replace some of the services of the local law enforcement agencies where the friction points exist, summarized as follows:

- **Accountability:** An internal police department would facilitate a greater degree of oversight, control, and accountability over the deployment and budgeting of policing resources.
- **A Culture of Service and Visibility:** An internal police department would allow for the adoption of a culture that emphasizes service consistent with the agency’s policies and values. Transit policing is different from local policing, with the former emphasizing “engaged visibility,” specifically in places where customers feel most vulnerable - on the platforms and terminals where they wait for buses and trains and aboard the vehicles themselves. “Engaged visibility” allows police officers to positively interact with riders and employees who want it, leading to the provision of services and deterrents to crime and disorder. Local policing traditionally results in response to calls for service, which leads to enforcement of the law.
- **Hiring to meet Metro’s values:** An internal transit police department would allow the agency to hire and train police officers who fit the service mission of the agency, consistent with Metro’s Public Safety Mission and Values Statements and the agency’s proposed Bias-free Policing Policy.
- **Deployment where it’s needed most:** Riders, frontline employees, as well as the OIG audit reports, recommend the deployment of officers on foot patrol rather than in vehicles, as riders and employees are not able to engage with officers in vehicles and are less apt to recognize their presence. An internal transit police department could create more autonomy over deployment strategies. Note: an internal police department would still leverage the basic services from all the local police departments and the Sheriff at no charge.

DETERMINATION OF SAFETY IMPACT

The authorization of an extension to the multi-agency law enforcement contracts, layered with additional public safety strategies, will promote the safety and security of passengers and employees and improve Metro’s ability to safeguard critical transportation infrastructure.

FINANCIAL IMPACT

The total funding for the contract modifications will be addressed through the annual budget process. The source of funds will be local operating funds, including fares, sales tax Proposition A, C, TDA, and Measure R, which are eligible for bus and rail operations.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goal 2.1: Committing to improving security. To achieve this goal, Metro must rely on a multi-layered, integrated safety and security program.

ALTERNATIVES CONSIDERED

The Board may direct staff to continue negotiations with the proposers. This alternative is not recommended as key terms and conditions were not agreed on, after requests for clarification and confirmation of exceptions to the scope of services and terms and conditions, which is non-responsive to the Board direction for a reimagined public safety approach.

The Board could elect to contract with LASD to be the single law enforcement provider for the system. As allowed by the RFP, LASD originally submitted two proposals, one of which was to be the single law enforcement provider for the entire system. While LASD formally withdrew that proposal during the evaluation period, they indicated an interest in providing services for the entire system if Metro requested it. However, while LASD notably did not take any exceptions for the terms and conditions of the contract, they reaffirmed their desire to be the lead on deployment approaches for the system. However, LASD has asserted that responding to calls for service within a reasonable amount of time requires them to be patrol vehicle based. Therefore, relying exclusively on a contract with LASD for law enforcement of services is not anticipated to address customer and employee concerns, and facilitate the type of service envisioned to meet the agency's public safety goals.

The Board may decline to approve the contract modifications to extend the current multi-agency transit law enforcement contracts for up to an additional three years, through June 30, 2026, utilizing funds to be requested during future fiscal year's budget process. This alternative is not recommended as Metro does not have an alternative in place to address serious public safety incidents and risks on the Metro system, which is a component of the reimagined public safety plan.

NEXT STEPS

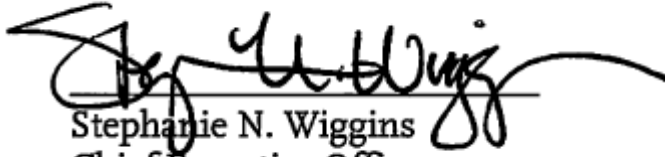
Staff will report back on the feasibility of establishing an in-house Public Safety Department in April 2023. In addition, staff will begin negotiations of contract extensions with the three existing law enforcement partners.

ATTACHMENTS

Attachment A - Summary of Material Exceptions to Scope of Services and Terms and Conditions

Prepared by: Carolina Coppolo, Senior Executive Officer
Debra Avila, Deputy Chief of Vendor/Contract Management

Reviewed by: Gina Osborn, Chief Safety Officer
Stephanie Wiggins, Chief Executive Officer



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A - SUMMARY OF MATERIAL EXCEPTIONS TO RFP

EXCEPTION	PURPOSE	BHPD	LBPD	LAPD	LASD
SP-15 LACMTA Mgmt of Contractor's Personnel	Allow flexibility of deployment to improve visible engagement for riders and employees.	X		X	
SP-19 Changes in Deployment	Allow Metro to adjust resources when implementing new public safety programs.			X	
GC-07 Organizational & Key Personnel	Allow removal of Dept personnel by Metro when deemed to be in Metro's best interest.	X			
GC-38 Contractor's Interaction with the Media and the Public	Metro approval is required prior to certain public relations disclosures & to inform Metro upon receipt of citizen complaints, including their disposition.	X			
Exceptions to the Scope of Services					
Section 1.1, Item R – Specific Responsibilities	Compliance with the principles of 8 Can't Wait.	X			
Section 1.4 Service Coverage	Allow Metro to unilaterally reduce or increase resources as it implements new programs.	X			
Section 1.5 Mgmt of Admin Duties of Contractor's Personnel	Certain complaint reporting requirements, including having a civilian oversight body.	X		X	
Section 3.0 Reporting Requirements	Requires various kinds of reporting, including body worn camera data, and providing Metro the ability to identify, track, and log mobile assets in real time.	X		X*	
Section 3.1 Performance Requirements & Liquidated Damages	Imposes liquidated damages related to the provision of services at lower than required levels and sustained misconduct complaints against officers performing the services.	X		X**	

*LAPD took partial exception – namely, a weekly report on the number and general nature of complaints against the contract, after-action reports following special operations and/or major incidents, distribution of law enforcement sensitive reports, and ability to identify, track, and log mobile assets.

**LAPD took partial exception – namely, the number of sustained misconduct complaints against the Contractor's field law enforcement personnel on the Metro system and key personnel changes by the Contractor.

Transit Law Enforcement Services

GINA OSBORN, CHIEF SAFETY OFFICER

CAROLINA COPPOLO, SR. EO PROJECT MANAGEMENT

Public Safety Mission Statement and Values

“Metro safeguards the transit community by taking a holistic, equitable and welcoming approach to public safety. Metro recognizes that each individual is entitled to a safe, dignified and human experience.”

- > Implementing a **human-centered approach**
- > Emphasizing **compassion** and a **culture of care**
- > Recognizing **diversity**
- > Acknowledging **context**
- > Committing to **openness** and **accountability**

Board adopted 12/2/21



Reimagined Public Safety Direction

Current Model

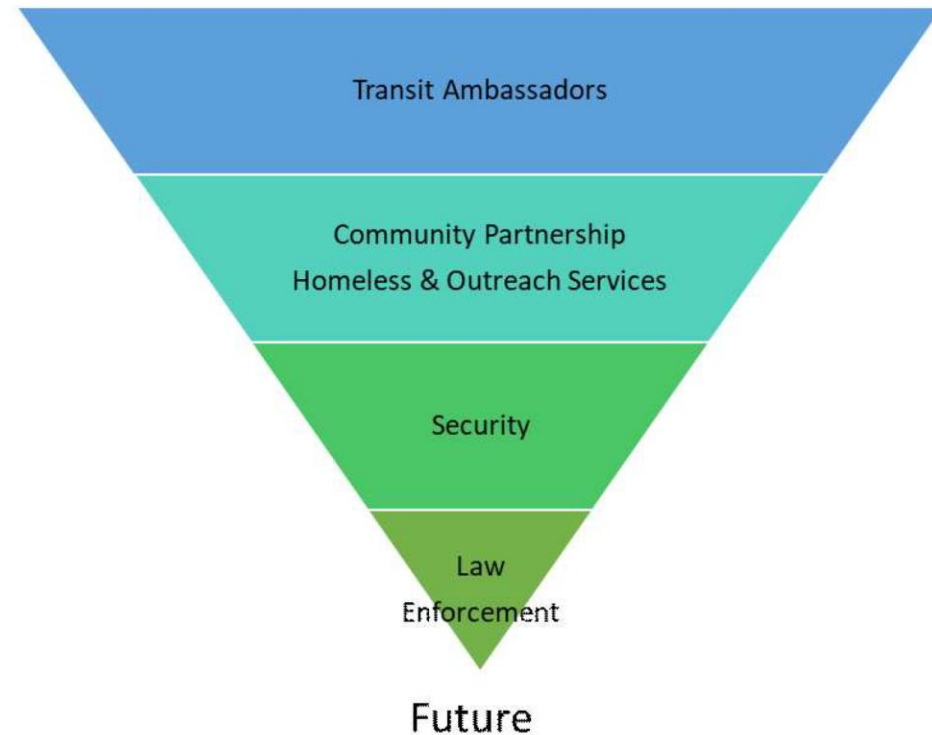
- Prescriptive and Fixed
- Inconsistent Rule Compliance
- Reactive Response
- Obscure Data & Outcomes
- Enforcement-Focused through a singular tactical response (“one size fits all”)
- Siloed



Reimagined Public Safety Direction

New Model

- Data-Driven and Flexible
- Equitable Rule Compliance
- Proactive Response
- Transparent Outcomes
- Strategic Enforcement through analytics-led safety & security using a layered approach
- Collaborative



Law Enforcement Services RFP

- Five proposals (four multi-agency and one systemwide) were received in response to the RFP
- BAFO Results:
 - Two agencies took material exceptions to the scope of services and terms and conditions
 - RE: oversight, accountability, and control of deployment
 - Systemwide proposal for coverage was withdrawn
- Under a multi-agency approach to policing, material exceptions by any one proposer would result in law enforcement services that fail to meet Metro's overall system needs as specified in the RFP
- RFP States that Proposers must comply with all material aspects of the RFP

Extensions of Existing Contracts

- All current law enforcement partners have executed the latest contract modification which includes Board directed revisions to the scope of work (i.e. comply with principles of 8 Can't Wait)
- Metro's law enforcement partners, complemented by robust alternative deployment solutions, are an important part of ensuring Metro riders and employees are – and feel – safe on the system.
- Extensions require negotiations of rates and deployment with the Long Beach Police Department, Los Angeles Police Department, and Los Angeles County Sheriff's Department

In-House Transit Police Department

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9) San Francisco Bay Area Rapid Transit (BART)	128,217	✓
10) Metropolitan Atlanta Rapid Transit Authority (MARTA)	117,759	✓

8 of the 10 Largest US Transit Agencies have a Transit Police Department.

Potential Benefits of In-House Transit PD

- Accountability: A greater degree of oversight, control, and accountability over the deployment and budgeting of resources
- Culture of Service & Visibility: Emphasizes engaged visibility vs. response to calls
- Hiring to Meet Metro's Public Safety Values: Allow the hiring of officers that meet the service mission of the Agency
- Deployment Where It's Needed the Most: More autonomy over deployment strategies

Staff Recommendation

- A. AUTHORIZE the Chief Executive Officer to negotiate and execute contract modifications to extend the current multi-agency transit law enforcement contracts annually for up to three additional years, through June 30, 2026, utilizing funds to be requested during future fiscal years' budget processes, contingent on compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and
- B. REPORT back to the Board in April 2023 on the feasibility of establishing an in-house Metro Transit Police Department to support Metro's Public Safety Mission and Value Statements.

Thank You
