



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
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and
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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

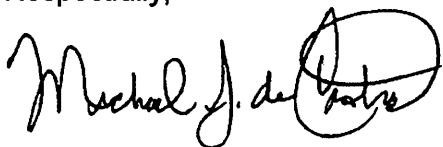
Dear Ms. Gorman,

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)
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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 |
| | <p>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.</p> | <p>(e.g. legislation, board approval, union negotiations, etc.). These actions will be time consuming and may have political implications.</p> <p>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.</p> |
| Legal Liability Potential | None | <p>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.</p> |

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.