



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 LBPD 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

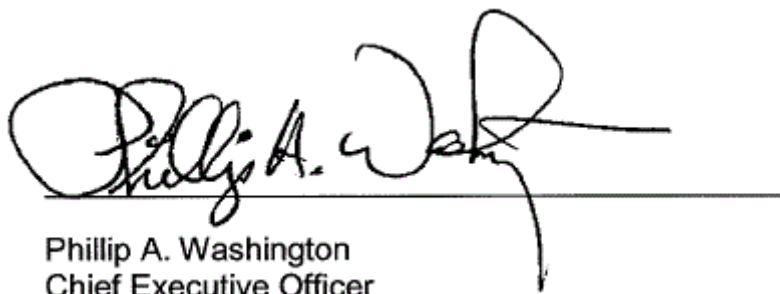
Attachment G - DEOD Summary

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