



Board Report

File #: 2021-0672, File Type: Contract

Agenda Number: 25.

REVISED
OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 18, 2021

SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES

ACTION: APPROVE CONTRACT VALUE INCREASE AND EXTENSION

RECOMMENDATION

CONSIDER:

- A. SEEKING scope of work modifications (Attachment D) to align with the move towards reimagining public safety;
- B. AUTHORIZING up to \$75.2M for the remaining six months of the original contract inclusive of scope of work modifications;
- C. EXTENDING the contract for an additional six months (Jul-Dec 2022) with a 6-month option (Jan-Jun 2023) to allow PSAC recommendations to come forward to support the new procurement and timeline and award of the contract; and
- D. FUNDS for the extension will be requested during the FY23 budget process.

HAHN AMENDMENT: The extension of a contract with any law enforcement agency shall be conditioned on that agency having an enforced COVID vaccination mandate.

Report back in January 2022 on how to enforce the vaccine amendment and come back with a plan on how to move forward with the vaccination requirement. Additionally, report back in March 2022 regarding whether we can continue to contract with the Sheriff's Department.

ISSUE

To continue maintaining a consistent and reliable law enforcement presence and to ensure a safe and secure transit system for Metro passengers and employees, the multi-agency law enforcement services contracts need to be funded for the remaining six (6) months of the term of the contracts, January to June 2022.

The additional funds being requested are to replenish contract value available for general law

enforcement services absorbed by unplanned expenses, which occurred in the early years of the contract. The additional \$75,201,973 will fund services for the remaining six (6) months (January to June 2022) of the multi-agency law enforcement services contracts inclusive of a revised scope of work (Attachment D).

Given that the work with the Public Safety Advisory Committee (PSAC) is not yet complete, and a procurement process for a new policing contract may consist of approximately a 14-month period, staff is recommending extending the period of performance for up to an additional six (6) months, with a 6-month option. This will allow sufficient time for PSAC to submit its recommendations for a new model of public safety reflecting alternative community-based approaches to policing and staff to return to the Board to recommend awarding a new contracts. The budget for the extension will be requested during the FY23 budget process.

By approving these recommendations, Metro can 1) continue multi-agency law enforcement services through June 30, 2022, and 2) provide the Public Safety Advisory Committee (PSAC) the opportunity to complete final recommendations on reimagining public safety on Metro's system for staff to consider incorporating into the future law enforcement services contract, including the approach to better aligned resources under the Department of Mental Health; and implementation of the proposed revisions to the existing multi-agency contract SOW to incorporate lessons learned, employ solutions, and identify costs.

BACKGROUND

In February 2017, 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, as these are not services provided by local jurisdictions. The total five-year contract award amount for multi-agency law enforcement services was \$645,675,758.

The specific tasks that contractors are responsible for include:

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.

In February 2021, Metro staff informed the Board that unplanned expenses for (1) augmented outreach services to the unhoused population, addressing increasing crime trends, sexual harassment; and (2) enhanced deployments to cover special events, surge operations- employee and customer complaints, and other unforeseen circumstances, which occurred in the early years of the contract, had reduced the remaining contract value available for general law enforcement

services. As a result, more than \$100 million was requested to fully fund the contracts for the remaining twelve (12) months of the contract term (ending June 2022). In March 2021, the Board approved an increase of \$36M, which was sufficient only for law enforcement services to cover costs through December 2021, and to engage the Public Safety Advisory Committee (PSAC). Since then, staff has been engaging PSAC to re-imagine transit safety and develop recommendations for a new model that reflects community-based approaches to policing. Staff's intent was to seek Board approval of these recommendations before the end of this calendar year, leading up to and as part of the procurement process for a new policing contract.

Staff's request to extend the period of performance for up to an additional six (6) months, July to December 2022, with a 6-month option, January to June 2023, will allow sufficient time for PSAC to submit its recommendations to Metro for a new model of public safety, the opportunity for PSAC and/or the public to weigh in on the SOW during the posting time allotted for public comment on the new policing SOW, and award a new policing contract.

DISCUSSION

Providing a safe transit system is imperative to Metro in order to provide a world-class transportation system that enhances quality of life for all who use our system. Metro understands the various levels of safety concerns from the public and employees and the responsibility we have to ensure a safe and comfortable experience for all users of the Metro system. Through the PSAC, public safety survey of our ridership (see Attachment E), surveys of our employees, surveys of the unsheltered, and public comment, we have heard the many and varied voices of our community. Many respondents support both armed and unarmed staff on the system. Over 60% of public respondents want law enforcement and armed security staff to be a priority, and this support spans all race/ethnicity categories. Even more, over 70%, want unarmed security staff to be a priority. Employee surveys indicated 86% of employees want policing to be somewhat more or much more of a priority.

Some riders have heard of, witnessed, or have been a victim of crime that leaves them feeling vulnerable and unsafe. Some riders have heard of, witnessed, or have been a victim of disparate or unfair treatment by those in positions of authority, which leaves them harmed, or feeling disrespected and unsafe. Everyone is looking for prevention of and protection from harm, whether that be from harassment, violence, crime, or other threats. It's important to identify why people have these feelings, to determine if we can better address those core issues. Metro seeks for all to enjoy a safe and comfortable experience on the system.

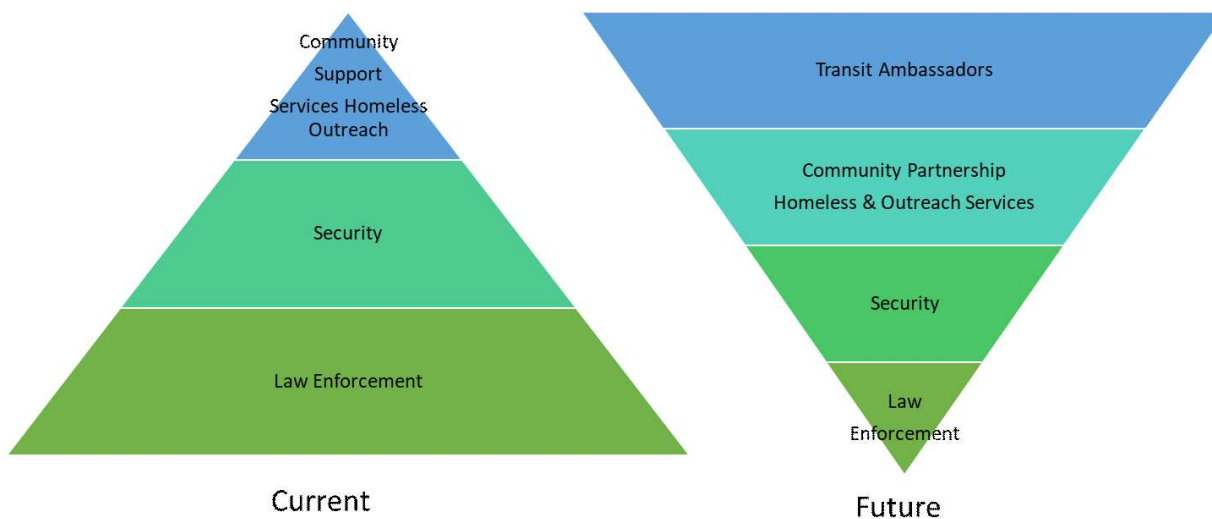
Public safety is a complex topic and we are just at the beginning of our efforts to reimagine safety on our system. Safety by definition means "being free from harm or risk" and we understand that safety means different things to different people. This is a unique time, and we have an opportunity to approach public safety differently. Metro is taking a holistic approach to public safety that promotes safety, compassion and respect for our riders and employees. Key themes to this approach:

- Building better support for vulnerable riders
- Leading with compassion
- Respecting diversity

- Recognizing context
- Community-centered approach
- Reducing the risk of biased outcomes
- Increased transparency and accountability

Based on the work of the Center for Policing Equity, staff will apply key questions to guide and focus internal decisions to support advancing a reimagined transit public safety program. 1. What services could replace law enforcement to reduce their footprint on riders? 2. How can we reduce law enforcement’s footprint on over policed riders? 3. What riders and/or employees need more resources and what mechanisms can deliver them? 4. How can we measure our response to change? 5. How can we respond to rider violence with a lighter law enforcement footprint?

We want to focus resources to address root issues to some safety issues. As well as redirecting resources so that the right response is deployed to the safety concern.



Scope of Work (SOW) Modification

Staff is proposing revisions to the existing contract SOW to increase transparency and continue engaging with the community and passengers to improve trust.

The proposed revisions, which align with the recently PSAC approved Mission and Values for Transit Policy -- *Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context, and Committing to Openness and Transparency*, include:

- Removal of fare enforcement and code of conduct responsibilities
- Revised language dealing with proactive enforcement
- Redirecting \$1.6M from LASD contract to the Los Angeles County Department of Mental

- Health (DMH) to engage more effectively with the unhoused seeking shelter on the system
- Improved consistency with Campaign Zero's Eight Can't Wait; and
- Increased data collection, transparency, and accountability.

Additionally, staff has been in discussions with the Los Angeles County Department of Mental Health (DMH) to enter into an agreement with Metro, to engage more effectively with persons who are in cognitive crisis or under the influence, or those who turn to the Metro system and property seeking shelter. Staff hopes to reach agreement with the DMH by the end of this calendar year. This will allow Metro to shift resources of approximately \$1.6M for the remaining 6 months of the existing LASD contract. Expansion on the DMH contract to include Long Beach Police Department and Los Angeles Police Department is expected with the additional options requested.

- Law enforcement contractors will host up to one (1) community engagement event per month to re-build trust with community members.

To further enhance public safety across the system, campaigns such as Children Travel Safe, Bystander Training, Clean and Safe, Anti-Hate, Sexual Harassment Prevention & Correction, Implicit Bias, ADA Sensitivity, Overdose Intervention and Prevention, and Victim Advocacy will continue to be developed in coordination with community-based organizations, and Office of Civil Rights & Inclusion, and our law enforcement and security contractors.

Accountability

In light of the Office of the Inspector General (OIG) reports, staff continues to monitor and review current contract utilization in efforts to control expenditures; maintain current staff levels; reallocate current resources to where surge operations are needed and continue to shift law enforcement resources previously supporting Metro Rail Operation's special events to Metro Transit Security.

PSAC

To support PSAC with providing recommendations to the existing contract and on a future contract, Metro staff provided members with a copy of the executed contracts with LAPD, LASD, and LBPD, in addition to various public data sets as requested by members. Complimenting copies of the contracts, staff provided a comprehensive SOW matrix (Attachment F) to members of the Policing Practices ad-hoc subcommittee for review. This matrix was used as a baseline to capture member feedback and potential recommendations. Metro staff issued a memo (see Attachment G) on October 26th to the ad-hoc subcommittee with recommendations for modifying the existing contract. On October 27th, the ad-hoc subcommittee met to discuss staff's recommendations and expressed they would like to draft a response. The committee drafted a set of alternative recommendations in a memo (see Attachment H) dated October 29th. The recommendations included the following:

- Allocating \$0 in additional funding to the existing public agency policing contracts
- Metro returning to a non-contracted law enforcement model to ensure public safety on its transit system
- Reallocating the \$75.2 million that would have been spent on the amended law enforcement contract to support non-law enforcement alternatives to public safety, including: mental health

services, homeless outreach services, transit ambassadors and funding safety initiatives outlined in Metro's Customer Experience plan.

On November 3rd, PSAC members voted on the ad-hoc subcommittee's recommendations. Although some members expressed concern about the security impacts of not funding, the committee members unanimously approved the ad-hoc committee's recommendations, with a vote of 14 "yes," 0 "no," and 0 "abstain" (see Attachment I).

Staff has listened to PSAC's feedback and reviewed their comments provided on a Multi-Agency Police Contract Scope of Work (SOW) matrix (Attachment F) for improving policing services currently provided under the multi-agency law enforcement contracts and proposed to incorporate several recommendations through revisions to the existing contract SOW. Due to time constraints, other recommendations would need to be considered in the new procurement consistent with the long-term vision of reimagining public safety.

Metro staff is fully committed to an ambassador program. We recognize the proven benefits of a Transit Ambassador Program and our goal is to implement effective alternative policing strategies as soon as possible. If Metro utilizes contracted services to staff the ambassador program, Metro could be ready to advertise a scope of work for those services by February 2022 with a contract award in the summer. The scope of work could be advertised to Community Based Organizations with expertise in homeless outreach, disability services, and/or hiring, training, and overseeing formerly incarcerated members of our community. Metro's goal is to move forward with a model that best delivers a Transit Ambassador Program in a timely way that is responsive to the sense of urgency that our Board members and public have expressed for this program.

DETERMINATION OF SAFETY IMPACT

The authorization of the contract amendments to each of the law enforcement contracts will ensure continued safety and security of passengers and employees and improve Metro's ability to safeguard critical transportation infrastructures. See Attachment J for a list of positive safety services that are provided by our law enforcement contractors.

FINANCIAL IMPACT

The total funding increase of \$75,201,973 is already included in the adopted FY22 budget, cost center 2010. The cost center manager and Executive Officer, System Security & Law Enforcement will be responsible for budgeting in FY23.

Impact to Budget

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

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goal 2.1 of committing to improving security. To achieve

this goal, Metro will rely on a multi-layered, integrated security program that comprises technology, people, and partnerships.

ALTERNATIVES CONSIDERED

The Board may decline to approve the contract amendment as recommended by PSAC. This alternative is not recommended as Metro currently does not have an internal police force to combat incidents of crime on Metro system. Furthermore, Metro does not have existing contracts in place to provide an ambassador program, sufficient social services and mental health alternatives as outlined by PSAC.

- Metro will be responsible for costs reasonably incurred by the police agency as a result of the early termination of the contract, which would include reasonable demobilization costs.
- An effort to not approve funds for the law enforcement contracts may be only a shortsighted approach and a missed opportunity to achieving the long-term change that we all seek. With violent crime on the rise on our system, in our communities and across the country, now is not the most appropriate time to limit the capacity of our law enforcement partners to connect with our communities without having any available alternatives to deploy, Metro, as a common carrier, is under a duty to provide the utmost care to its passengers, and recommends investing in this capacity, investing in partnerships, and investing in services that supplement safety and security efforts to better serve those who are most in need.
- PSAC continues its work to advancing a reimagined transit public safety program on Metro. Staff will continue to engage with and support its efforts to enhance safety across all aspects of the system.

EQUITY PLATFORM

The first recommendation allows for continued law enforcement services on the system for the remaining six months of the original period of performance. This action, although as voted on November 3rd is not supported by PSAC, will allow the riders to see interim changes rather than continue with the status quo. For example, fare enforcement will be contractually removed from law enforcement's duties and include abiding by the 8 Can't Wait policies.

The second recommendation under consideration to extend the existing contract by six months with a six-month option would allow PSAC to provide feedback on the scope of work for a future contract. These extensions would be necessary due to the 12-14-month procurement process. PSAC would have an opportunity to provide feedback as staff develops the SOW and when it's posted for public viewing and input. In addition, while the new SOW is developed, it does not preclude future PSAC recommendations or other SOW modifications from being implemented into the extension period.

NEXT STEPS

Upon Board approval, staff will execute contract modifications to each of the law enforcement contracts to continue to provide law enforcement services.


Continue engaging PSAC to provide final recommendations on how to reimagine public safety and begin developing the future scope of services, budget, and other provisions in preparation for the solicitation process of the new law enforcement services contract.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary
Attachment D - SOW Modifications
Attachment E - Public Safety Survey
Attachment F - Multi-Agency Police Contract SOW Matrix
Attachment G - Staff Recommendations
Attachment H - PSAC's Alternative Recommendations
Attachment I - PSAC November 3rd Meeting Vote
Attachment J - Safety Services provided by Law Enforcement Contractors

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