



Metro

APRIL 24, 2015

TO: BOARD OF DIRECTORS

FROM: STEPHANIE WIGGINS *SW*
INTERIM DEPUTY CHIEF EXECUTIVE OFFICER

**SUBJECT: TRANSIT SECURITY OFFICERS AND PROTECTIVE
EQUIPMENT UPDATE**

ISSUE

Metro supports the protection of our Transit Security Officers (TSOs). This Board Box outlines actions that Staff has taken today in light of concerns raised at the Ad-Hoc Transit Policing Committee meeting held on Wednesday, April 15, 2015. The recent executive management decision to disallow concealed weapons during revenue assignments has been reversed, effective immediately. In compliance with state law, this action will allow the TSOs to carry the equipment they need to continue to safeguard MTA passengers, employees, and themselves in the performance of their duties. Additionally, staff has outlined a plan of action to address a wide range of issues relating to liability, lines of responsibility and corresponding protective equipment, overall deployment roles, responsibilities and capacity as part of the broader discussion of a new transit policing contract. A report on these pending issues will be provided in 60 days.

BACKGROUND

The nine assignments performed by TSOs are:

- Control Center
- Field/Mobile Units
- Fixed Post/Infrastructure Protection
- Revenue Protection Team
- Special Events
- Boardroom Detail
- K-9 Unit
- Metro Redline Team
- Pressure Washer Escorts

A summary description of these assignments, and a matrix showing the protective equipment available for the assignments, is provided in Attachment A.

STATUS OF PROTECTIVE EQUIPMENT

Staff, in collaboration with County Counsel and the Los Angeles County Sheriff's Department (LASD), has developed a plan of action outlined below to address the concerns raised by the TSOs and members of the Ad Hoc Transit Policing Committee. Many of these efforts are first steps and will require further research and due diligence before all of the issues can be fully explored and resolved.

Concealed Weapons (Back-Ups)

Permitting TSOs to carry back-up firearms while performing revenue protection functions is consistent with state law. Administrative action has been taken within the authority of the Interim Deputy Chief Executive Officer to reverse the removal of concealed weapons (back-ups) from personnel assigned to Revenue assignments, effective immediately. A standard operating procedure that requires the following has been issued to ensure compliance with this directive:

- Any back up weapon must be department approved (type/caliber).
- Any officer using a back-up weapon must qualify quarterly.
- Any officer with a concealed weapon is required to check in/out the weapon at the beginning/end of the revenue portion of his/her assignment.
- In the event a TSO on a non-revenue assignment is reassigned to a revenue assignment during his or her shift, the concealed weapon must be stored in the trunk of his/her vehicle.

Next Steps:

According to California Penal Code Sections 12050 and the California Department of Justice Standard Application for Carry Concealed Weapon (CCW) license, an applicant must show "good cause" exists to carry a concealed weapon. "Good cause" justifications are made on a case by case basis. CCW licenses are issued only by a California county sheriff to residents of the county, or by the chief of police to residents of the city.

Metro and County Counsel are exploring with LASD to determine if we can demonstrate "good cause" and develop an application process to permit TSOs to carry backups during the performance of non-revenue functions while on duty. The issue of "good cause" in the issuance of CCW licenses in California is currently being litigated in the 9th Circuit Court of Appeals. Metro and LASD are monitoring this impending federal court decision closely.

Shotguns

The directive that all shotguns be removed with the exception of those in the cash counting facility remains at this time. By law, loaded shotguns cannot be carried in public without a certification. Currently, the Bureau of Security and

Investigative Services (BSIS) does not provide a certification for the use of shotguns.

Next Steps:

Metro staff initiated contact with the BSIS this week to inquire about the possibility of establishing a certification for shotguns.

Batons

All active Metro TSOs have been certified by the BSIS and are permitted to carry batons.

Next Steps:

None required.

High Capacity Magazines

Currently, TSOs are carrying a minimum of 3, 15 round magazines + 1 chambered bullet (46 rounds total). High capacity magazines were not part of the County Counsel legal opinion. The determination to replace 15 round magazines with 10 round magazines was made based on discussions between LASD and County Counsel.

Next Steps:

Based upon the request of the Teamsters and AFSCME at this morning's meeting, TSOs will be allowed to continue carrying high capacity magazines until such time as Metro executive management has completed the due diligence necessary to issue a directive on the matter.

Powers of Arrest

This week, Metro staff initiated discussions with LASD regarding terms and conditions of an MOU whereby Metro's security officers could be granted peace officer powers of arrest. Attachment B highlights the preliminary issues identified that are currently under review and analysis.

Next Steps:

Staff will continue to work with County Counsel and the LASD to address the issues identified in Attachment B. Staff anticipates it will take 30 – 45 days to complete the technical/legal review of the issues. A formal report will be issued to the Board at its June meeting, when it is also scheduled to consider extending the current LASD contract.

Ongoing Communication Commitment

Earlier today, I convened a meeting with LASD, Teamsters and AFSCME representatives, and Metro Labor Relations to communicate new directives

outlined in this board box and to address concerns moving forward. The communications were understood and the group agreed to work together.

ATTACHMENTS

- A. Protective Equipment and Duties—Metro Transit Security Officers
- B. Preliminary Issues re: Adoption of MOU Granting Powers of Arrest

Attachment A – Protective Equipment and Duties – Metro Transit Security Officers

Assignment	Bullet Resistant Vest	9mm Handgun (46 rounds)*	Baton (ASP or Straight Stick)	Pepper Spray	Concealed Weapon (Back-Up)	Shotgun	Handcuffs (2 each w/ holder)	Flashlight	Utility Knife	Two Way Radio
Control Center	✓	✓	✓	✓			✓	✓	✓	✓
Field/Mobile Units	✓	✓	✓	✓			✓	✓	✓	✓
Fixed Post/ Infrastructure Protection	✓	✓	✓	✓			✓	✓	✓	✓
Revenue Protection	✓	✓	✓	✓	✓	✓ **	✓	✓	✓	✓
Special Events	✓	✓	✓	✓			✓	✓	✓	✓
Boardroom Detail	✓	✓	✓	✓			✓	✓	✓	✓
K-9 Unit	✓	✓	✓	✓			✓	✓	✓	✓
Metro Redline Team	✓	✓	✓	✓			✓	✓	✓	✓
Pressure Washer Escorts	✓	✓	✓	✓			✓	✓	✓	✓

Changes denoted in **bold**

* TSOs may carry 15 round magazines until such time as Metro executive management has completed the due diligence necessary to issue a formal directive

**Shotguns may only be carried in the cash counting facility. They may not be carried in public

TSO Duties by Assignment

Control Center: 24/7 command, control and coordination of all Metro security units. CCTV surveillance of USG Complex, Terminal 19, and ticket offices; radio and phone communications with both Metro and external personnel

Field/Mobile Units: Vehicular/ mobile security patrols and Parking enforcement. Properties M-51, M-52, M-53, M-54, bus yards Divisions 1,2,3,4,5,6,7,8,9,10,15,18, rail stations along Red, Blue, Green Gold lines, ticket offices, miscellaneous support facilities, response to reports of crimes in progress

Fixed Post/ Infrastructure Protection: Daily security of Metro properties and protection of patrons and employees at Gateway/Patsaouras Plaza, Terminal 19, Transit Court, El Monte Station

Revenue Protection Team: Security over-watch of Metro Revenue Collection Operations including at the central cash counting office, during pick-ups/drop-offs of mobile safes from bus divisions and rail stations, servicing of TVMs at rail stations, trouble ticket/ preventative maintenance of division vaults

Special Events: Provide security, crowd control and revenue protection at both regularly occurring and miscellaneous events. Events include Rodeo's, concerts, movie shoots, bus bridges, parades, sporting events, etc.

Boardroom Detail: Provide weapon screening and maintain order at Metro and Metrolink Board Meetings. Includes screening visitors, protecting Board members, and maintaining order of citizens

K-9 Unit: Response to unattended packages at Metro properties, high visibility patrols

Metro Redline Team: Dedicated security unit for the Metro Red Line system, including opening and closing of stations when system is out of service, assistance of team Operators, fare compliance checks, ancillary area checks, tunnel checks

Pressure Washer Escorts: Dedicated close protection units for general services personnel in high risk environments/ graveyard shifts. Protect employees, patrol route of personnel to protect employees and equipment, assist with clearing patrons

Preliminary Issues re: Adoption of MOU Granting Powers of Arrest

Penal Code § 830.7(e) allows the sheriff, chief of police, or CHP in whose jurisdiction a transit district lies to grant security officers employed by the transit district powers of arrest (as defined in P.C. 836) via a memorandum of understanding (MOU). The statute specifies that the security officers are not peace officers, and grants the powers only “during the course and within the scope of their employment.”

Historical Context

Some entities have historically been granted arrest authority akin to that which Metro seeks. In 1984, the Los Angeles County Sheriff’s Department granted Los Angeles County Security Officers Powers of Arrest in preparation for the Olympics.

Potential Issues in adopting a Powers of Arrest MOU between LASD and Metro

- LASD may see an increase in liability associated with Powers of Arrest. This could become problematic without having the same authority to hire, discipline, retain, staff, train, negotiate, equip, force and take corrective actions that they have with their employees.
- A blurring of lines of responsibility could occur for first responders. Powers of arrest could create discrepancies between the codified role of Security’s ‘observe and report’ function and self-initiated ‘response to crimes in progress’.
 - Radio communications, multi-agency tactical deployment and policy variances would need to be worked out so that roles were clearly understood when, for example, a response for a potential arrest put Sheriff’s and TSOs in a position to respond.
- Because authority under this statute would be limited to Arrest Authority, and not full Peace Officer authority, LASD would still be required to take control of suspects, evidence, handle field events due to an absence of authority (persons mentally ill, minors, etc.)
- Collective Bargaining Agreements could impede adherence to the law in some instances. This could foster autonomy and otherwise run counter to the MOU.
- Metro Security would engage in detentions which would require training at every level.
- Powers of Arrest would enhance the need for reconciliation between LASD oversight with a new Chief of Transit Security and other management. Otherwise, Powers of Arrest could result in Metro Security autonomy from LASD oversight and/or a dual chain of command.
- Propriety of force and reporting of force could become exacerbated