



Board Report

File #:2016-0368, File Type:Federal Legislation /
State Legislation (Position)

Agenda Number:36.1

**REGULAR BOARD MEETING
APRIL 28, 2016**

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECCOMENDED POSITION

RECOMMENDATION

ADOPT staff recommended position:

SB 1362 (Mendoza) - Metro Transit Security ~~WORK WITH AUTHOR~~ SUPPORT

ATTACHMENTS

Attachment A - SB 1362 (Mendoza) Revised Legislative Analysis

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BILL: SB 1362

AUTHOR: SENATOR TONY MENDOZA
(D-ARTESIA)

SUBJECT: METRO TRANSIT SECURITY GUARDS

STATUS: ~~PENDING COMMITTEE REFERRAL~~
SENATE PUBLIC SAFETY COMMITTEE
HEARING SCHEDULED: APRIL 19, 2016

ACTION: ~~WORK WITH AUTHOR~~ SUPPORT

RECOMMENDATION

Staff recommends that the Board adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362 (Mendoza).

ISSUE

Senator Tony Mendoza has recently amended SB 1362, a bill that would grant specific authorities to Metro Transit Security Guards.

SB 1362 would authorize Metro Transit Security Guards to:

- Detain individuals on properties owned, controlled, operated and administered by Metro, when exigent circumstances exist
- Carry a wooden club or baton
- Carry a shotgun in a patrol vehicle or armored vehicle owned by Metro during revenue protection duties
- Carry a large capacity magazine

The bill, as amended reserves the authority for the Board of Directors to determine whether the authority to detain individuals will be granted to the Metro Transit Security Guards.

DISCUSSION

In the Board adopted 2016 State Legislative Program, the Board directed staff to sponsor legislation that would clarify certain issues with respect to the roles and responsibilities of the Metro Transit Security Guards. Senator Tony Mendoza introduced SB 1362 on behalf of the Metro Transit Security Guards, which as originally drafted did not align with agency goals.

As originally introduced, the bill would have established an expanded authority for Metro Transit Security Guards that are more closely aligned with the powers and responsibilities of police or peace officers under California law. The bill also did not require that a Memorandum of Understanding (MOU) between the Metro Transit Security Guards and the respective law enforcement agency.

To address agency concerns, Metro staff and the bill sponsor worked to amend the language of the bill, and the suggested amendments were submitted for inclusion in the amended bill. The proposed amendments that are included in the amended measure address the concerns related to training provisions, clarification of the authority to arrest or detain individuals, and other non-substantive changes as needed. The amendments to SB 1362 related to the authority to detain only if exigent circumstances exist and further defines that “exigent circumstances exist only when the security officer has probable cause to believe that a person is at risk of serious bodily injury or death or a person has been assaulted and the suspect is attempting to flee.” Other provisions related to training and liability will be addressed through updated internal policies and procedures.

Staff also stressed the agency’s concern that the granting of the authority to detain individuals should also be contingent upon approval by the Metro Board of Directors. The Board of Directors ~~who~~ should retain the authority to approve the roles and responsibilities that ~~would~~ are to be granted to the Metro Transit Security Guards under this arrangement.

~~Staff finds the bill as amended to be more closely aligned with the agency’s goal of clarifying the role of Metro Transit Security Guards. In general, the provisions of the bill relating to higher capacity magazines, carrying weapons (shotguns) in transit patrol vehicles and batons is acceptable to staff and remains in the bill.~~

In general, the provisions of the bill relating to higher capacity magazines, carrying batons while on duty and weapons (shotguns) in transit patrol vehicles during revenue protection duties is acceptable to staff and remains in the bill. Staff finds the bill as amended to be more closely aligned with the agency’s goal of clarifying the role of Metro Transit Security Guards.

In light of the recent amendments, staff is recommending that the Board of Directors adopt a WORK WITH AUTHOR SUPPORT position on SB 1362 (Mendoza).

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. There are still a number of unknown future costs associated with additional training, employment benefits and liability that could have a potential significant fiscal impact under the provisions outlined in the bill and actions associated with implementation.

ALTERNATIVES CONSIDERED

Metro could consider adopting an OPPOSE position on this legislation, however, this would be inconsistent with our agency’s effort to clarify the role of Metro Transit Security Guards pursuant to the Board-approved 2016 State Legislative program. A WORK WITH AUTHOR position would ~~gives~~ give staff the ability to seek amendments to the proposed legislation in order to best align with Board direction and agency goals.

NEXT STEPS

Should the Board decide to adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362, staff will communicate the Board's position to the author and ~~work to amend~~ continue to monitor the legislation to address agency concerns. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.