



AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

PEER REVIEW REPORT

1300 I Street, NW, Suite 1200 East, Washington, DC 20005
Paul P. Skoutelas, president and CEO

FINDINGS OF THE APTA PEER REVIEW PANEL ON

SECURITY AND ENFORCEMENT SYSTEM AND PRACTICES

PROVIDED AT

THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OCTOBER 2020
SAN DIEGO

Executive Summary: The APTA Peer Review Panel was convened at the request of Sharon Cooney, CEO, San Diego Metropolitan Transit System (MTS), to assist the organization in evaluating the MTS security and enforcement system. To advise MTS, the Public Security Committee created a Steering Committee on Sept. 24. The APTA peer reviewers met with the Steering Committee prior to their site visit Oct. 27–30. The observations and recommendations provided through this peer review are offered as an industry resource to be considered by MTS in support of strengthening the organization’s security and enforcement practices.



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Introduction

The APTA peer review process is well-established as a valuable resource to the public transit industry. Highly experienced and respected professionals voluntarily provide their time and expertise to address the scope required by the requesting transit system.

An APTA Peer Review Panel was convened at the request of Sharon Cooney, CEO of San Diego Metropolitan Transit System. This panel of industry experts, composed of senior executive professionals from within the public transit industry, was assembled to provide advice, guidance, benchmarking and best practices to assist MTS in reviewing its security and enforcement system and practices. The peer review panel visited the site Oct. 27–30, 2020.

The panel consisted of the following individuals:



BILLIE "BJ" JOHNSON

Director of Safety and Emergency Management
RTA, New Orleans



MARLA BLAGG

Executive Director of Safety and Security
Tri-County Metropolitan Transportation, Portland, Oregon



STEVE BERRY

General Manager of System Safety, Security & Emergency Management
Metro, St. Louis



POLLY HANSON

Senior Director of Security, Risk, and Emergency Management
American Public Transportation Association

Peer review panel biographies

Billie “BJ” Johnson

BJ Johnson, MPA, ACE, WSO-CSSD, TSSP, PTSCTP, is the director of Safety and Emergency Management for Regional Transit Authority in New Orleans. Johnson began her tenure with RTA in March 2020. She works alongside the director of System Security and Emergency Preparedness and often works across various departments within RTA. Prior to joining RTA, Johnson was security manager for Charlotte Area Transit System in North Carolina. She began her tenure with CATS in December 2014 and led all transit security operations, which includes the daily security of the transit system’s LYNX Blue Line light rail service; bus network; City LYNX Gold Line streetcar service; and various transit centers, park-and-rides and other facilities. Johnson also oversaw parking, lease spaces, credentialing, CCTV, locks and keyways, the CATS Company police contract, and CATS’s partnerships with the Charlotte Mecklenburg Police Department, Mecklenburg County Sheriff’s Office and University of North Carolina Charlotte Police Department. Johnson holds several law enforcement and safety certifications and is a certified emergency medical technician. She holds a bachelor of science from Western Carolina University.

Marla L. Blagg

Marla Blagg is executive director of Safety and Security at Tri-County Metropolitan Transportation District of Oregon (TriMet). TriMet provides bus, light rail, paratransit and commuter rail transit services in the three-county metropolitan region. Blagg leads the safety, security, drug and alcohol, environmental health, and emergency management programs. Her most recent accomplishments include developing, rebranding and expanding TriMet’s fare and code compliance programs; creating an unarmed security and familiarization training program for new and existing contract employees; and restructuring an established police department to include developing and implementing innovative programs to reimagine public safety. Blagg came to TriMet from the Bay Area Rapid Transit, where she was the emergency manager. Blagg is a seasoned emergency manager and responder who has created and directed emergency management, operations and training programs across law enforcement, fire, public health and transit for nearly 20 years in Alameda County, California. She is a member of APTA’s Security Emergency Management Standards Working Group and Security Affairs Committee, and for the past eight years has served as an adjunct professor for the Infrastructure Training & Safety Institute at Texas A&M University’s Texas Engineering Extension Service.

Steve Berry

Steve Berry, general manager of System Safety, Security & Emergency Management at Metro in St. Louis, is responsible for the strategic direction of the agency’s system safety, security, emergency management, training, drug and alcohol, and operational intelligence management programs. Berry is responsible for agency compliance with the FTA and Department of Transportation State Safety Oversight for Missouri and Illinois. He directs systems effort for all modes: rail, bus, paratransit, trolley, fleet, riverboat, National Park Service and the St. Louis Arch; transportation networks; contracted transit services; CCTV; dispatch; infrastructure; special events; simulation training; real-time crime center; unmanned aerial vehicles; passenger/staff screening; and operational safety. Berry reports to the Bi-State Metro president and executive officer and provides technical expertise on performance and trend analytics, performs compliance assurance audits, and provides detailed options for key operational safety and security metrics. Berry manages public safety budget development and strengthens the 285 members of the safety, security, and compliance transit team. Berry builds rapport within agency stakeholders, labor, administration and outside public safety professionals (TSA, DHS, Fusion Center, local law enforcement). He has built service contracts and deployment approaches for contracted law enforcement, security, fare compliance and federal resources.

Polly Hanson

Polly Hanson is senior director of Security, Risk and Emergency Management for the American Public Transportation Association. Hanson coordinates with stakeholders to develop transit security, risk and emergency management standards and policies. She performs peer reviews and assists with safety audits and serves as an advocate for transportation security, as well as a source matter expert on transit security, risk and emergency management issues and concerns. Previously Hanson was chief of police for AMTRAK, where she led a department responsible for protecting over 30 million passengers and 20,000 employees. Prior to Amtrak, Hanson was a career SES 1811 serving as director of the Office of Law Enforcement and Security for the Department of the Interior. At the Metropolitan Police Department in Washington D.C., she was executive director, Strategic Services Bureau, whereas a civilian assistant chief she oversaw the development of policy and procedures, tactical crime analysis and research, strategic planning, and applicant and promotional testing. Hanson began her career at the Washington Metropolitan Area Transit Authority, where she progressed through the ranks. As the chief of the Metro Transit Police, she led a tri-state department covering 1,500 square miles and oversaw a budget of \$50 million, with 553 personnel. Hanson led the response to the terrorist attacks in Madrid and London, helped create public awareness campaigns, and was an original member of the Peer Advisory Group for the TSA administrator. Hanson received her master's degree in applied behavioral science from Johns Hopkins and her bachelor's degree in communications from Temple University. She is a member of the Operation Lifesaver board of directors and the vice chair of the TSA Surface Transportation Security Advisory Committee.

Security and Enforcement System and Practices Provided at the San Diego Metropolitan Transit System

1. Methodology

The APTA peer review process is well-established as a valuable resource to the public transit industry. The process includes highly experienced and respected professionals who voluntarily provide their time and support to address the scope required to help the transit system and the industry as a whole.

The panel conducts its peer review through documentation review, field observations and a series of briefings, listening sessions and interviews of the requesting transit agency's staff.

The peer review concludes with a caucus among the peer review team to draw out the opinions of the team members and define a consensus summation of observations taken and their professional judgment as to where areas of improvement could be attained. This information is then presented to the requesting agency in an exit conference and followed by a report, if so desired by the requesting agency. There are no expectations expressed or implied that the requesting agency take any action to satisfy the opinions of the peer review team or to engage any members of the team in any follow-up activities that the requesting agency may want to undertake as a result of the review. The information provided by the peer review team is consensus-based and transferred to the requesting agency as a work product that the transit agency holds all rights to under the terms of the peer review agreement.

2. Scope of the report

The APTA Peer Review Panel was convened at the request of Sharon Cooney, CEO, San Diego Metropolitan Transit System, to assist the organization in evaluating the MTS security and enforcement system. In its request letter (see Appendix A), MTS indicated an interest in the following areas. These served as a guide to the review, but additional and related areas were covered as the panel went through the peer review. MTS requested that the peer review evaluate the MTS security and enforcement system and practices compared with other similar-sized public transportation systems. This review would analyze the following:

- Effectiveness of MTS code compliance inspectors (CCIs) and contract security structure to accomplish the goals of the department, and whether there is a need for a sworn law enforcement contingent
- Fare inspection practices
- CCI training
- The overall “organizational climate” of the Transit Enforcement Department, with an emphasis on identifying any biases
- The handling of personnel issues and employee discipline practices
- Standard operating procedures to include:
 - use of force
 - supervision

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- staffing
- training
- enforcement tactics and procedures
- rules of conduct
- MTS transit enforcement video retention policies

2.1 Interviews and field visits

The MTS staff gave the peer review panel access to several locations to observe processes, which are included in Appendix B.

The APTA peer review panel also met extensively with MTS staff, including the following:

- CEO Sharon Cooney
- Deputy director Tim Curran
- Director of marketing Rob Schupp
- Field operations manager Scott Ybarrondo
- General counsel Karen Landers
- Staff attorney Samantha Leslie
- Records manager Rachelle Dziubczynski
- Training sergeant Yohaney Adiboye
- Systems security manager Jeremiah Johnson

2.2 Primary area of focus

Based on the panel's observations and assessments from these interviews and field visits, this report focuses on the following areas:

- video retention
- diversion program
- records retention
- use of force
- training
- fare inspection practices
- enforcement tactics and procedures
- interactions with homeless people

3. Opening comments

MTS is the public transit service provider for central, south, northeast and southeast San Diego County. Average daily ridership among all public transit services provided by MTS was 282,300 in the fourth quarter of 2019, and it saw an annual ridership of 86,554,400 in 2019.

The Metropolitan Transit Development Board (MTDB) was created in 1975 by the passage of California Senate Bill 101 and came into existence on Jan. 1, 1976. In 1984, Senate Bill 1736 expanded the MTD board of directors from eight to 15 members. In 2002, Senate Bill 1703 merged MTDB's long-range planning, financial programming, project development and construction functions into the regional metropolitan planning organization the San Diego Association of Governments (SANDAG). In 2005, MTDB changed its name to the Metropolitan Transit System.

MTS owns the San Diego Trolley Inc., San Diego Transit Corporation, and the San Diego & Arizona Eastern Railway Company, which owns 108 miles of track and right-of-way.

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MTS provides bus and rail services directly or by contract with private operators. It coordinates all its services and determines the routing, stops, frequencies and hours of operation.

The MTS security performance goals for FY 2020 were to achieve a favorable transit expense budget variance, maintain a fare evasion rate below 3% of local trolley ridership, increase public awareness of security contacts, partner with Marketing to inform the public through community outreach, increase signage and public awareness campaigns, and reduce the number of non-complaint arrests through de-escalation training.

In the past three years, the Transit Enforcement Department has added nearly 30 CCI positions, increasing MTS security and enforcement capabilities significantly throughout the system, while reducing the contracted security officer positions by 50 personnel. The department also formed a beat system, dividing the trolley system into four sectors with each containing three to five beats.

4. Observations and recommendations

4.1 Effectiveness of CCIs and security contract structure

Observations:

1. The panel commends how CCIs and contract guard staff represent the community they serve in terms of demographics and geography. Sixty-seven percent of the MTS security staff, both code compliance inspectors and contracted security officers combined, live in ZIP codes 91911, 92173, 92113, 91977, 92114, 92154, 91910, 92115, 91932, 92105, 91950, 91913 and 92101, which reflects trolley ridership. Racial diversity among code compliance inspectors was 57% Hispanic, 18% White, 13% Black, 11% Asian and 1% other. Twelve percent of the CCIs are female and 88% male. Fifty-five percent of the CCIs are bilingual, with 30 speaking Spanish, two speaking Tagalog and one speaking Vietnamese. The contracted security staff is 59% Hispanic, 20% Black, 14% White, 5% Asian, 1% Native American and 1% other. The contract security guards are 17% female and 83% male. Fifty-six percent of the contracted security staff are bilingual; 76 speak Spanish and one speaks French.
2. The panel commends the CCIs for their contributions to a fare evasion rate of 2.86% for FY 2020. In the March 29, 2019, Trolley Safety and Security Survey, 87.6% of respondents said they felt comfortable when transit security does fare checks.
3. The panel commends the CCIs for their contributions to safety and security. In the MTS 2019 Customer Satisfaction Survey, the satisfaction rate for security onboard the trolley was 76% to 80%, with the exception of respondents over 50, who scored them 69%. Safety at bus stops had a satisfaction score of 86% for respondents 35–49, and for those 19–24 it was 81%. Satisfaction with safety while riding a bus was 89%. Over 82% of respondents indicated that the presence of security made them feel safer, and 53% said there was enough security onboard the trolley. Nearly one in four riders wanted to see more transit security on the system. According to the March 2019 Trolley Safety and Security Survey, Public Safety Committee report, 60% of MTS riders indicated that safety and security was a concern for them.
4. The panel commends the CCIs for their professional demeanor in dealing with customers. Data from the March 29, 2019, Trolley Safety and Security Survey indicated that 77% of respondents said transit security is courteous and professional. Overall, MTS Trolley passengers indicate that they experience MTS security personnel as professional. In the Support Service Fiscal Year 2020 June report, only 5% of all CRM customer cases concerned security.
5. The panel commends the CCIs for their knowledge, skills and abilities. When observed in the field by the APTA Peer Review Panel, the CCIs displayed a quality performance, a proficiency as they rode trolleys and inspected fares, and an aptitude at customer service in a transit environment.
6. The panel commends the CCIs for their bus liaison and engagement role. The panel was told that a CCI works closely with bus managers to resolve bus shelter cleanliness and other disorder issues. The

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bus manager and operator interviewed expressed satisfaction with this engagement. However, CCIs in plainclothes riding buses for fare evasion and disorderly passengers was requested.

7. While many of the contract security guards join the ranks of the CCIs, the contract security guard turnover was reported to be high. Staff turnover is costly, can impact morale, and could impact customer service and knowledge skills and abilities. Interestingly, the panel was advised that many contract security guards have joined the ranks of the CCIs, which has been seen by MTS security management staff as a benefit due to the caliber of contract security guards who make that transition.
8. The panel commends the MTS Transit Enforcement Division for their strong relationship with local law enforcement agencies. Two of the MTS Enforcement Division managers have prior law enforcement experience, as does the records manager.

Recommendations:

1. MTS should consider enhancing the Transit Enforcement Division's ability to collect crime-related data, on all modes of transportation and on all MTS property, so resources can be efficiently deployed and passengers and employees can be educated on crime prevention.
2. The panel suggests that consideration be given to having access to a sworn law enforcement liaison officer within the MTS Transit Enforcement Division, which would aid with gaps in access to restricted criminal justice information.
3. If MTS were to determine the need for dedicated law enforcement, the panel suggests that MTS consider personnel within the CCI ranks for conversion to a dedicated law enforcement team, considering their training and professionalism, knowledge of the transit environment and customer service skills.
4. The panel suggests that any contract security guard onboarding within MTS interface with the CCIs and focus on MTS transit functions rather than just enforcement functions. This would enhance team-building between CCIs and the contract guards, and encourage buy-in to the MTS organization and a transit-oriented customer focus.
5. The panel recommends that MTS consider piloting an expanded ambassador program to deploy personnel not just for special events, but to provide increased MTS staff visibility and customer service. The ambassadors could be outfitted in a distinct uniform, different from the CCIs and contract security guards; respond to customers' requests for information; address concerns and answer questions; address safety and security issues; be trained in de-escalation; and observe, report and call for a contract guard or CCI when enforcement is needed.
6. The panel encourages the active engagement of a riders advisory committee who are informed on issues so they may give advice to MTS on all topics, not just bond/ballot issues. It is suggested that the committee have a charter with clear expectations and membership outlined.
7. The panel suggests that consideration be given to the development of verbiage in the upcoming security contract RFP to allow flexibility of staffing for unknown events or incidents. The panel also urges MTS to examine the contract guard vacancy rate and develop retention strategies when developing the RFP for the new contract.
8. The panel recommends, in consideration of the CCI uniform change, that MTS should consider evaluating the titles of CCI civilian managers/supervisors to ensure that they align with the shift from a paramilitary, law enforcement appearance and structure.
9. The panel recommends that the MTS Transit Enforcement Department look to enhance crime data collection on trolleys, buses and facilities so information can be "heat-mapped" and shared with the CCIs, contract guards, employees and the public.
10. The panel suggests that consideration be given to piloting a new deployment strategy of pairing two CCIs for fare enforcement activities and deploying the contract guards at highly visible locations—e.g., trolley platforms, transfer points stations and multimodal facilities. The deployment of the contract guards would be based on crime data, customer and employee complaints, biohazards, and maintenance and cleaning data.

4.2 Fare inspection practices

Observations:

1. The panel observed the effectiveness of the electronic fare media device in real time when the APTA Peer Review Panel was out on the trolley system with the CCIs and observed the use of the device during fare inspections.
2. The MTS Security Performance Goals for FY 2020 were to achieve a favorable transit expense budget variance and to maintain a fare evasion rate below 3% of local trolley ridership. The panel was advised that the fare evasion rate was below 3% of trolley ridership.

Recommendations:

1. The panel suggests that MTS reconsider the use of 100% fare inspection of a trolley car consist to ensure that all passengers are contacted, inspecting proof of payment in a standardized method designed to prevent and reduce the appearance of bias.
2. The panel recommends that fare zone markings be evaluated for enhancement to ensure that all riders are aware of the need to pay the fare, the consequences of nonpayment and exactly where the fare-paid area is. Fare zone striping could be installed at each trolley, with additional signs and clearly marked “fare zones” helping to raise passenger awareness of the rules of riding as well as more strongly delineating the enforcement area.



3. The panel urges MTS to engage with local law enforcement to address overall response time to requests for police service and to continue to encourage those enduring partnerships, which should be maintained, as Part I crimes are best resolved through partnered efforts with law enforcement.
4. The panel suggests that MTS consider a community education program about fare compliance so the community understands how and why they might get checked on one ride but not another, and to ensure customers understand that the inspection of proof of payment is a standardized process designed to prevent bias.
5. The panel suggests that MTS examine a fare media sales program through social service agencies or other partnerships intended to enable low-income residents to use public transit without fear of being criminally penalized because of their level of resources.
6. The panel suggests that giving warnings and allowing passengers to step off and buy a fare may have an adverse effect on those who pay. The “risk-takers” may take the risk because they simply suffer an

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inconvenience when they have to go to a machine and purchase a fare. This dimension of the new program may see an unintended consequence of rising fare evasion rates.

Bus fare inspection practices

Recommendations:

1. The panel suggests that bus operations designate a farebox key for fare evasion and ensure that bus operators are encouraged to use it for data collection in order to deploy CCIs to fare-inspect and relieve operators from having to state the fare or becoming involved in fare disputes.
2. While trolley fare evasion had been relatively low pre-COVID, the panel heard conflicting information regarding bus fare evasion data. The utilization of the bus farebox could be addressed with a simple campaign that focuses on the MTS fare payment policies. The panel was advised that operators had access to a short fare button. Data on bus fare evasion could be obtained through the use of a selected button on the farebox and the CCIs deployed to bus routes experiencing fare evasion, increasing safety, security and revenue.

Diversion program and other alternative options

Recommendations:

1. The panel suggests that MTS examine the return on investment of recovery funds from the citation program. While the program is new, from recent data and reports, it appears that few fare evaders take advantage of the program and that CCIs are reporting that individuals are learning that they won't be cited and have not been complying with requests for compliance.
2. The panel urges MTS to reexamine the design of the diversion program, as outcomes may not meet the intended goals. It was articulated that one of the goals was to reduce adverse impacts of fare evasion enforcement on the homeless population. From interviews it was anecdotally shared that many of the homeless community stopped for fare evasion are electing to receive citations that go unpaid and then result in the adding of additional fines when they don't appear in court or pay the fine. It appears that a goal is to secure and protect a rider's access to transit and increase opportunities for valid payment of fares, turning riders who cannot pay fares into paying riders, while acknowledging and addressing the barriers that affordability and enforcement actions can present to some, especially individuals experiencing poverty and housing instability.
3. The panel suggests that MTS consider an administrative citation process with no court involvement, as that is where the fines are imposed. Another alternative could be based on efforts taken by the New Jersey Transit Police Department, which works with the courts to vacate fines so homeless people can receive services when they have outstanding fines.
4. The panel suggests that giving warnings and allowing passengers to step off and buy a fare may have an adverse effect on those who pay. The "risk-takers" may take the risk because they simply suffer an inconvenience when they have to go to a machine and purchase a fare. This dimension of the new program may see an unintended consequence of rising fare evasion rates.
5. The panel observed that the diversion program is helpful to first-time offenders, but chronic offenders may take advantage of the program.
6. The panel suggest that MTS explore other options for the diversion program, such as providers of community service that provide jobs or soft skills. The option of the food bank or homeless court provider may not appeal to everyone. Another consideration for the program is an opportunity to engage with MTS staff to learn about the agency and why it is important for people to pay their fares.
7. The panel suggests that the appeal request process be beta tested—i.e., have a staff member go through from beginning to end so MTS can be assured that there are no unintended consequences to impacted members of the community. Additionally, MTS may want to ensure that an employee participates in the community service options to determine ease and value.

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8. The panel suggests that MTS follow up on citation disposition to understand how many citations are successfully paid versus continue accruing fines.
9. The panel was not sure what metrics have been developed to measure the success of the diversion program and recommends that those are fully defined for all stakeholders.
10. The existing MTS Exclusion Policy should be formalized and written to be compliant with California trespassing laws or other statutes. The panel suggests that MTS staff meet with district attorneys and local law enforcement agency partners to discuss such an initiative and to gain buy-in for such a policy, which should include an appeal process to an official outside of the Traffic Enforcement Division. The Southwest Ohio Regional Transit Authority (SORTA) Metro took such an approach to improving security. SORTA's security staff worked with the Hamilton County (Ohio) court system to use legal means to ban passengers when their behavior progresses from unruly to dangerous or threatening. The initial decision to ban problem passengers was made to improve employee security, enhance the customer experience and increase overall efficiency. Unlike many security enhancements, SORTA found that the cost to ban passengers was low but the benefits to safety and security were immeasurable.

Technology enhancements

Recommendations:

1. The panel did observe dispatchers at work. The panel suggests that consideration be given to creating a dashboard that would allow dispatchers to advise CCIs if/when TVM machines are inoperative and their locations.
2. The use of a technology solution for fare enforcement including electronic citations and a records management system was suggested for examination by the panel. The panel recommends that MTS conduct a staffing assessment or audit of program roles and functions, as it may be on the high side administratively, and labor resources could be realigned if a technology solution is developed. The technology solution could also permit CCIs to determine if an individual is a frequent fare evader and how to progress him or her through a citation or exclusion process. It appeared to the panel that the citation and code of conduct databases do not communicate, and the panel suggests that MTS consider this as another option for an enterprise solution.
3. The panel urges MTS to use technology to enable CCIs to track how many times people step off a trolley to purchase fares and develop guidance on the eligibility for the diversion program based on recurring fare evasion.

4.3 Code compliance inspectors training

Observations:

1. The Transit Enforcement Division managers and training staff were proud of the training they conduct and the enhancements they plan to undertake to the training curriculum.

Recommendations:

1. The CCIs and contract security officers should train together more. This joint training would serve to promote esprit de corps, respect, strong regard and morale to ensure that the two groups continue to successfully work together.
2. The panel suggest many topics for consideration: enhanced customer service, de-escalation, mental health first aid, cultural competency, unconscious bias, ADA, OSHA and blood-borne pathogens.
3. The panel suggests that the Transit Enforcement Division consider continued partnership with TSA for First Observer Plus, I-STEP and EXIS training opportunities.
4. Additional training for the training staff is also recommended. This training could be obtained through POST, DOT/TSI or FEMA. Also, consideration should be given to ensure that all trainers are familiar with other operational training staff and how to develop training for adult learners.

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5. The panel suggests that the current ROW training be refreshed in partnership with the Safety Department and that CCI's partner with Operation Lifesaver for the safety awareness campaigns it provides to discourage trespassing on trolley tracks.

4.4 Organizational climate of Transit Enforcement Department

Observations:

1. Due to the length of the review and the number of interviews of MTS staff performed, the panel had time to meet with only a small representation of the MTS security program.
2. The panel observed the workforce to be professional, collaborative, structured and mission oriented.
3. When directly asked about bias by the panel, personnel stated that they did not believe bias occurred and that they thought there was equity and parity; however, perception by the larger workforce may be different.

Recommendations:

1. The panel suggests that MTS consider conducting an attitude and awareness survey. Understanding bias in the workplace is the first step to managing it, exploring unconscious bias, learning about its impacts in the workplace, and using that knowledge to reduce the negative effects of bias.
2. The panel suggests that the Transit Enforcement Division staff should have a policy/procedure that provides the mechanism for a formal "open door" policy encouraging openness and transparency with all employees.
3. The panel suggests that an informal mechanism be created that encourages employees to share how they feel and ask questions, offer suggestions, and surface problems or concerns with management.
4. Information sharing can also be enhanced through the dashboard screen found in the "bullpen" or a newsletter.

4.5 Handling of personnel issues and employee discipline practices

Observations:

1. The discussion regarding disciplinary practices with the Transit Enforcement Division staff and the panel focused primarily on the use of force.
2. It appears that disciplinary practices follow a standard paramilitary chain-of-command structure.

Recommendations:

1. During an attitude and awareness survey, the panel suggests that the handling of personnel issues and employee discipline be covered as one of the many questions, which would allow employees an anonymous opportunity to express their experiences with personnel issues and the employee discipline process.

4.6 Standard operating procedures

Observations:

1. General orders are designed to ensure that personnel are informed of all department policies and procedures. Standard operating procedures are written guidelines that establish a standard course of action for a specific situation. The panel did a random sample audit review of the SOPs, which were reasonably current and based on law enforcement SOPs.

Recommendations:

1. The panel suggests that the SOPs be reviewed and edited based on the current processes and procedures in place.

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2. The panel suggests that MTS reevaluate its current effort and develop a formal policy regarding a rider exclusion program.
3. The panel suggests that, since the SOPs are written like law enforcement procedures, consideration be given to the utilization of plain language to align with the new structure the Transit Enforcement Division is seeking.
4. The panel suggests that a policy be developed or revised to reflect the formal expanded written video retention policy.

4.7 MTS transit enforcement video retention policies

Observations:

1. Currently MTS has no written or formalized video retention policy.
2. MTS currently utilizes reliable video technology (Apollo, Mobileye, IP based). The panel believes the software and hardware utilized is appropriate and delivering the desired outcome with independent servers, updated cameras, and links into a robust camera/dispatch center.

Recommendations:

1. The panel recommends that a formal video policy should be written and implemented.
2. The panel suggest that MTS consider a chain-of-custody and Security Sensitive Information policy and program that focuses on increasing the security of footage, its use and dissemination process. The SSI information should follow TSA recommended practices. The policy should also include procedures for body-cam video.
3. An email address such as MTSVideorequest@ mtsd.com could be created to document all received requests.
4. The panel suggests that consideration be given to the use of watermarks for the images being shared.
5. The panel recommends language for the request form such as “This video may contain SSI and is to be utilized for investigative purposes only. It cannot be shared or posted on social media. Your signature acknowledges that you understand and agree.”
6. The panel suggest that all requests that originate from an attorney be submitted to MTS Legal staff to ensure that MTS be kept abreast of such requests and its impacts should the video be released.
7. The panel recommends that all approvals and permissions for access to CCTVs and videos be outlined in the policy and that annual audits be performed to ensure compliance with the policy.
8. The panel suggests that the policy outline retention procedures, who may view and share videos, and the process for periodically reviewing that list to ensure that it remains up-to-date and valid.
9. The panel suggests that the policy include recommended practices regarding an audit of the video retention program, including successful adherence of policies and procedures and access to video by appropriate staff.
10. The panel recommends that MTS Legal staff survey other transit agencies for their best practices on retention time for CCTV storage and body-cam footage. The APTA Legal Affairs Committee would be a resource for this survey.
11. The panel urges MTS to conduct an inventory of the servers located on or near trolley platforms to ensure that these servers are adequately secured. The panel observed cabinets that were easily accessible to the public by climbing over a fence and by cutting locks on cabinet doors.

5. Other observations and recommendation

1. Effects of homelessness have an increasing impact on MTS’s services, rider perception of safety and the overall customer experience. In an effort to continue to improve the delivery of services to patrons and the overall agency, MTS is exploring new ways to partner to assist in addressing homelessness in San Diego County. Staff will provide a report on the impacts of people experiencing homelessness on

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the MTS system, research from other agencies on how to be part of a regional solution, current strategies and data, and potential next steps.

2. MTS staff and the APTA Peer Review Panel had a detailed discussion regarding interactions with the homeless, as well as customers who are experiencing mental health and drug addiction challenges. As MTS examines the impacts of the homeless services, perceptions of safety and the overall customer experience, the panel suggests that MTS consider public/private partnerships to assist with some of the impacts taking place in the transit system. The following agencies have been recommended as strong partners with transit agencies in other communities: Safe Place, Goodwill and The Salvation Army.
3. An assessment/review of mental health training (mental health first aid) or a look into taking advantage of free mental health training offered by the County of San Diego would be beneficial. The panel suggests that MTS consider partnering or engaging a social worker or clinician to evaluate any training developed and the effectiveness of any programs created to address the homeless population and those with mental health and addiction challenges. This evaluation also should examine alignment to industry best practices, as well as their application to MTS and the county.
4. The panel suggests that the MTS Transit Enforcement Division consider dedicating a member to coordinate the efforts to clean up bus shelters and other facilities and to partner with social service agencies, business improvement districts, and other public/private stakeholders and agencies to address the homeless population and those passengers with mental health and drug addiction challenges and to focus on other quality-of-life issues.
5. The panel suggests that MTS consider the use of general employees to enhance safety and security. The Sacramento Regional Transit District made great strides in reducing the level of crime, particularly violent crime, occurring within its transit system. A multifaceted approach was used to achieve these results. The plan consisted of increasing the level of SacRT staff participation in station ownership with the implementation of an Adopt-a-Station program. Most Adopt-a-Station programs involve volunteers from the community; however, the program implemented at SacRT focused on the involvement of the managers. Managers worked in conjunction with security and maintenance personnel to enhance the appearance of stations and improve safety and security for the ridership. Adopt-a-Station personnel were provided with a safety vest identifying them as a “SacRT Station Ambassador” with the tagline of “clean-safe-convenient” across the back and the SacRT logo on the front.

6. Concluding remarks

The observations and recommendations in this report are intended to assist the San Diego MTS in following industry best practices for reimagining its fare enforcement and security program. The Transit Enforcement Department is seeking ways to improve the delivery of services to its patrons and the MTS organization.

The peer review team thanks MTS for its candor and sincerity, its desire to be equitable in its delivery of public transportation, and to study and identify areas where the Transit Enforcement Department can improve its core business practices. The panel hopes the recommendations presented contribute positively to that success.

The panel sincerely appreciates the support and assistance extended throughout the entire peer review process by all MTS personnel. The panel stands available to assist with any clarification or subsequent support that may be needed and to support the new security director when he or she is appointed.

FINDINGS OF THE APTA PEER REVIEW PANEL



Appendix A: Letter of request



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Tel 619.231.1466 Fax 619.234.3407

Mr. Jeff Hiott, Vice President
American Public Transportation Association
1300 I Street, NW, Suite 1200 East Washington, DC 20005

RE: Peer Review Request - Analysis of the San Diego Metropolitan Transit System,
Transit Enforcement Department's Core Business Practices

Dear Mr. Hiott:

To continue to improve the delivery of services to our patrons and the overall agency, the San Diego Metropolitan Transit System (MTS) would like to commission an organizational review of the Transit Enforcement Department. The MTS, Transit Enforcement Department would like to request the American Public Transportation Association (APTA) convene a review panel to perform a peer review of its core business practices.

The purpose of this review will be to identify areas where the Transit Enforcement Department can improve its core business practices. This is an ideal time to perform a review because of the Mid Coast Extension of the light rail system and because MTS is currently seeking proposals for a new Security contract. Additionally, it is anticipated this study would identify areas where the Transit Enforcement Department can improve its core business practices, and to help incorporate any recommendations as needed in the final security contract.

We would like the scope of the study to evaluate the MTS security and enforcement system and practices compared to other similar sized public transportation systems. This review would analyze:

- Effectiveness of MTS Code Compliance Inspectors (CCIs) and Contract Security structure to accomplish goals of the Department, and whether there is a need for a sworn law enforcement contingent
- The overall "organizational climate" of the Transit Enforcement Department, with an emphasis on identifying any biases.
- Fare inspection practices.
- The handling of personnel issues and employee discipline practices.
- MTS Transit Enforcement video retention policies
- Standard Operating Procedures to include, but not limited to:
 - Use of force
 - Supervision
 - Staffing
 - Training

FINDINGS OF THE APTA PEER REVIEW PANEL

- Enforcement tactics and procedures
- Rules of conduct
- CCI training

Proposed Review Process

The proposed review process would be to enter into contract with the APTA for its Transit Enforcement Department review because MTS's unique transit enforcement model requires very specific transit industry and law enforcement knowledge. Through discussions with yourself and your colleague, Polly Hanson, it was learned the process would consist of APTA assembling a team of law enforcement and security professionals with public transportation backgrounds to conduct a detailed assessment of the overall organizational climate of the Transit Enforcement Department.

It is envisioned that the assessment would include a one-week site visit (or virtual visit) to observe operations, to conduct interviews and to review pertinent documents (training, discipline, policies, etc.). Additionally, we would request the review team meet/ interview an ad-hoc committee made up of community stakeholders and transit users and collect their perceptions of MTS Transit Enforcement procedures and actions.

At the conclusion of the review, APTA would provide an overall evaluation of the Transit Enforcement Department and would provide a draft report with their overall findings and recommendations. Our expectation would be that the review would be within three months from award of the contract.

The point of contact for the review will be Tim Curran, Deputy Director of Transit Enforcement. He can be reached at (619) 595-4940 or Timothy.curran@sdmts.com.

Please feel free to contact me at (619) 557-4513.



Sincerely,
Sharon
Cooney,
Chief Executive Officer

Attachment: SDMTS Scope of Work

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • sdmts.com



Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

Appendix B: Peer review agenda

APTA Review

With the approval of the contract between APTA and the San Diego Metropolitan Transit System (SDMTS), copies of SDMTS Transit Enforcement Standard Operating Procedures, Memorandum of Agreement between the TEOA and SDMTS, Rules and Instructions for Employees, Code Compliance Inspector Training Manual and any other documents relating to the daily operations of the Transit Enforcement Department will be sent to the APTA Review Committee members.

Prior to their travel to San Diego, the APTA Review Committee will meet virtually with members of the Steering Committee as identified by the SDMTS Board of Directors. The meeting will be coordinated by a representative from the MTS Marketing Department, Deputy Director of Transit Enforcement, Tim Curran, and the SDMTS IT Department. The meeting will be scheduled to last approximately 90 minutes. This will give the Steering Committee an opportunity to advise the APTA Review Committee of their concerns, perceptions, and opinions of SDMTS Transit Enforcement/ Security's procedures, tactics, and capabilities.

Monday, October 26, 2020	APTA Review Committee will travel to San Diego 5:00pm Informal meet with panel at hotel or location in Gaslamp (Tim C, Scott Y)
Tuesday, October 27, 2020	Health Check (Sergeant Zambrano) 8:00-9:00am Mills Building, 9th floor training room (intro and interviews) Introductions/ ID Cards (Tim, Jeremiah-IDs) CEO Sharon Cooney Deputy Director Tim Curran 9:00-9:45am Director of Marketing Rob Schupp (Public Perception) 9:45-10:00am Break 10:00- 11:00am Deputy Director Tim Curran (overview of Transit Enforcement) 1100am-12:00pm Field Operations Manager Scott Ybarrondo (field operations) 12:00-1:15pm Lunch

FINDINGS OF THE APTA PEER REVIEW PANEL

	1:15-2:15pm General Counsel Karen Landers (MTS Legal Issues) (Video Retention) 2:15-2:30pm Break 2:30-3:30pm Samantha Leslie (MTS Legal) (Diversion Program)
Wednesday, October 28, 2020	Health Check (Sergeant Zambrano) 8:00-9:00am Transit Enforcement Office (Interviews) Records Manager Rachelle Dziubczynski (records retention, eForce, etc.) 9:00-10:00am Field Operations Manager Scott Ybarrondo Training Sergeant Yohaney Adiboye (training program) 10:00-10:15am Break 10:15am-12:00pm Field Operations Manager Scott Ybarrondo Systems Security Manager Jeremiah Johnson (use of force) (significant events videos) 12:00-1:15pm Lunch 1:15-3:30pm Field Trip (ride-along) (CCI Supervisors and FTOs) Fare Inspections Practices Enforcement Tactics and Procedures Homeless Interactions Mental Illness Under the Influence of Drugs and Alcohol Developmental Disabilities Medical Conditions Fear Anxiety Language Barriers Physical Limitations

FINDINGS OF THE APTA PEER REVIEW PANEL

Thursday, October 29, 2020	Health Check (Sergeant Zambrano) 8:00-9:00am Mills Building, 9th floor training room (Interviews) Bus Driver (TBD), Train Operator (TBD) (Security Concerns and Observations) 9:00-9:45am Amanda Denham (Director of Support Services) (Customer Relationship Management (complaints)) 9:45-10:00am Break 10:00-11:00am Wayne Terry (COO Rail), security concerns for rail Mike Wygant (COO Bus), security concerns for bus 12:00-1:15pm Lunch 1:15-3:30pm APTA Review Committee meeting work time
<u>Friday, October 30, 2020</u>	Health Check (Sergeant Zambrano) 8:00-10:00am APTA Review Debrief Sharon Cooney, CEO Tim Curran, Dep Director Scott Ybarrondo, Field Operations Manager Karen Landers, General Counsel (?) Samantha Leslie, SDMTS Lawyer (?) Rob Schupp 10:00am Transportation to hotel/ airport

Appendix C: Document list

The following documents were made available to the peer review team:

1. SDMTS Transit Enforcement Standard Operating Procedures
2. Bi-Annual Customer Service Satisfaction Survey Final Report, June 2020
3. Transit Enforcement Sector Beat Map
4. Transit System Security Probationary Officer Dispatch Training Certification
5. MTS Security Performance Incentive Goals, Fiscal Year 2020
6. Transit System Security Basic Training Program
7. Trolley Safety & Security Survey, March 29, 2019
8. San Diego Metropolitan Transit System Daily Deployment, 10/26/2020
9. Schedule November 1, 2020 to March 6, 2021
10. CCI Monthly Performance Report, August 2020
11. Transit Enforcement 2020 Semi-Annual Security Report, January 1, 2020, through June 30, 2020
12. FY20 Customer Service Calls by Department
13. Transit Systems Security Probationary Officer Field Training Certification
14. Support Services Monthly Report, Fiscal Year 2020 June
15. Customer Service Case example Case ID 384372
16. San Diego Metropolitan Transit System Investigation Report, April 13, 2020
17. MTS Pilot Fare Evasion Diversion Program, SOP Sept. 1–Aug. 31, 2021
18. MTS Org Chart
19. Field Training Program Code Compliance Transit Enforcement Department San Diego Trolley, Inc. Training Outline, Revised 11/2019