

Date: January 24, 2018

To: Board of Directors

From: Neil McFarlane 

Subject: **RESOLUTION 18-01-13 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH PORTLAND PATROL INC. (PPI) FOR TRANSIT PEACE OFFICER SERVICES**

1. Purpose of Item

The purpose of this item is to request that the TriMet Board of Directors (Board) authorize the General Manager to execute a contract with Portland Patrol Inc. (PPI) for Transit Peace Officers to provide unarmed security and code enforcement on the TriMet system.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required for goods and services contracts obligating TriMet to pay in excess of \$1,000,000.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

To ensure the safety of customers and employees, TriMet seeks to increase the presence of visible unarmed security officers on vehicles, platforms, and stations. TriMet is committed to increasing the number of personnel available to enforce the rules of riding by issuing warnings, citations, and exclusions for violations of the TriMet Code. TriMet's approach to safety and security also seeks to leverage the Transit Police Division as the centralized and coordinated foundation of TriMet's approach to safety, security, and enforcement.

This resolution authorizes an agreement with PPI for unarmed personnel, who will both provide a visible security presence and enforce the TriMet Code under the direction of the Transit Police Commander. PPI is an organization that has a unique and close working relationship with the Portland Police Bureau, Multnomah County District Attorney, social service organizations and others to provide safety and security services in the metro area. PPI is a key component of the

partnership known as the Downtown Clean and Safe Program. PPI also provides security for Portland Streetcar and Portland Smart Park, among others.

PPI officers assigned to TriMet will be designated as Transit Peace Officers (TPOs). The TPOs will be added over a period of months beginning in 2018. Deployment decisions for TPOs will be made by the Transit Police Commander.

TPOs assigned by PPI will consist of current or former peace officers as defined under ORS 133.005, and military police officers recently discharged. Under ORS 133.005, peace officers include police officers, deputy sheriffs, constables, Federal officers and agents, reserve officers, investigators of the Criminal Justice Division, humane special agents, judicial marshals, and regulatory special agents.

The resolution designates personnel provided under this agreement as peace officers for the purpose of enforcement of the TriMet Code as provided in ORS 267.150. The authority of TPOs will include the ability to issue citations for any violation of the TriMet Code, issue exclusions under the TriMet Code, and demand proof of payment. TPOs will not be police officers as defined by Oregon law and will only have the powers to arrest as afforded a private person under ORS 133.225.

The TPOs will be trained to accomplish the following essential activities:

1. Provide a visible security and safety presence onboard TriMet vehicles, platforms, and other property.
2. Enforce the TriMet Code and issue warnings, citations, and exclusions.
3. Provide safety, security, and enforcement services for special events.

Additional ancillary functions will include:

- Assist possible chronic fare evaders with information to connect them to community and TriMet resources.
- Promote the safe use of the system to riders, including visitors and those unfamiliar with TriMet and/or the Portland region.
- Provide customer information and assistance with the HOP Fastpass fare system.
- Provide information to customers about options for resolving citations.
- Respond to medical emergencies on TriMet vehicles and stations.
- Assist in TriMet's incident response efforts as necessary.
- Respond to unscheduled service disruptions to assist customers.

The initial staffing will encompass 15 TPOs, with the goal of a minimum of 30 officers within a year of launch. The ultimate goal is approximately 50 to 60 officers, to be achieved within a two-year period. However, the number of personnel assigned will be monitored and may be adjusted as necessary as the program develops.

The estimated fully burdened costs are:

- FY2018 (6 months) - \$618,646 (15 TPOs)
- FY2019 - \$2,887,248 (30 TPOs)
- FY2020 - \$4,124,640 (50 TPOs)

The term of agreement will be through FY2020. This will permit TriMet to evaluate the success of the program and whether to continue the contractual relationship.

6. Procurement Process

This is a sole source contract for safety, security, and code enforcement services. As noted, PPI provides safety and security services as part of the Downtown Clean and Safe program, which is a 213-block area of downtown where multiple TriMet MAX and bus lines operate. As the community safety partner for the Clean and Safe program, PPI has extensive experience in resolving disputes and providing information to the public as part of its patrol of this large, public space.

PPI and its leadership are uniquely coordinated with the Portland Police Bureau. PPI participates in the Commander's roundtable, which is a monthly problem solving meeting to discuss safety and security issues, where the police are conducting missions, and how to best coordinate and support security efforts. In addition to PPI, the roundtable is also attended by a Deputy District Attorney, PSU police, and park rangers, as well as representatives from the neighborhood response team of the Portland Police Bureau. Portland police officers also attend PPI roll calls and share information and training with PPI.

PPI works directly with Portland Police to respond to special events, which includes protests (planned and unplanned), rallies, marches, races, parades, etc. in downtown Portland. This existing coordination will help TPOs assigned to TriMet to provide safety and security during special events.

The forgoing makes PPI uniquely qualified to perform the security and code enforcement services under this agreement, especially where the TPOs will be deployed by the Transit Police Commander and enhanced coordination between PPI and Portland Police will be critical to achieving TriMet's goal of a more unified approach to transit security through the Transit Police Division. A contract with PPI will allow TriMet to leverage this unique partnership between PPI and Portland Police to provide safety and enforcement for TriMet.

7. Diversity

PPI's current workforce is 17% female and 18% minorities. PPI's supervisory pool of seven includes one African-American and one Hispanic employee. Within the management group of four persons, PPI employs two females and one Asian-American. PPI generally does not subcontract.

PPI is a certified veteran's employer and currently has 15 veterans as officers. Diversity in the recruitment and hiring process will be critical to the success of the program and a major emphasis of PPI.

8. Financial/Budget Impact

The initial 15 TPOs in year one of the contract are budgeted for in the current budget. Additional TPOs beyond the first 15 will be budgeted for in future Safety and Security budgets.

9. Impact if Not Approved

If not approved, TriMet will not be able to provide the services outlined above. This option is not recommended.

RESOLUTION 18-01-13

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH PORTLAND PATROL INC. (PPI) FOR TRANSIT PEACE OFFICER SERVICES

WHEREAS, TriMet has authority under ORS 267.150 to appoint peace officers to provide security and enforcement on the TriMet system; and

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Portland Patrol Inc. (PPI) for Transit Peace Officer Services (Contract); and

WHEREAS, the total amount of the Contract will exceed \$1,000,000; and

WHEREAS, the TriMet Board of Directors (Board), by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall be in conformance with applicable laws.
2. That the Transit Peace Officers assigned to TriMet under the Contract are designated as peace officers pursuant to ORS 267.150(2) and authorized to enforce the TriMet Code.
3. That the General Manager or the General Manager's designee is authorized to execute the Contract in an amount not to exceed \$7,630,534.

Dated: January 24, 2018

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department