



BI-STATE
DEVELOPMENT

Security Sub-Committee Open Meeting

May 14, 2020
8:30 AM

Open Session Agenda

Notice of Meeting and Agenda

**Bi-State Development
Security Sub-Committee
Thursday, May 14, 2020 at 8:30 AM**

**Headquarters - Board Room, 6th Floor
One Metropolitan Square, 211 N. Broadway, Suite 650
St. Louis, Missouri 63102**

**Co-Chairs: Commissioners Windmiller and Simmons
Members: Commissioners Brown, Cox, Golliday and Pestello**

Invitees: Taulby Roach, Stephen Berry, Kevin Scott, Vernon Summers

This location is accessible to persons with disabilities. Individuals with disabilities needing information or communication accommodations should call Bi-State Development at (314) 982-1400, for TTY access, call Relay 711. Sign language interpreter services or other accommodations for persons with hearing or speech disabilities will be arranged if a request for such service is made at least two days in advance of the meeting. Large print material, Braille material or other formats will also be provided upon request.

Agenda	Disposition	Presentation
1. Call to Order	Approval	Chair Windmiller
2. Roll Call	Information	M. Bennett
3. Public Comment*	Information	Chair Windmiller
4. Approval of the Minutes of the February 25, 2020 Security Sub-Committee, Open Meeting	Approval	Chair Windmiller
5. Ride and Abide Policy	Approval	S. Berry / K. Scott / V. Summers
6. Motion to Move to Executive Session: <i>If such action is approved by a majority vote of The Bi-State Development Agency's Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, Section 10.080 (D) Closed Records: Legal under §10.080(D)(1); Real Estate under §10.080(D)(2); Personnel under §10.080(D)(3); Health Proceedings under §10.080(D)(4); Employee Negotiations under</i>	Approval	Chair Windmiller

Agenda	Disposition	Presentation
<p><i>§10.080(D)(5); Data Processing under §10.080(D)(6); Purchasing and Contracts under §10.080(D)(7); Proprietary Interest under §10.080 (D)(8); Hotlines under §10.080(D)(9); Auditors under §10.080(D)(10); Security under §10.080(D)(11); Computers under §10.080(D)(12); Personal Access Codes under §10.080(D)(13); Personal Information under §10.080(D)(14); Insurance Information under §10.080(D)(15); Rail, Bus, or Facilities Safety and Accidents under §10.080(D)(16) or Protected By Law under §10.080(D)(17).</i></p>		
7. Reconvene to Regular Meeting	Approvals	Chair Windmiller
8. Adjournment	Approval	Chair Windmiller

***Note: Public comment may be made at the written request of a member of the public specifying the topic(s) to be addressed and provided to the Agency’s information officer.**

Open Session Item

4

**BI-STATE DEVELOPMENT
SECURITY SUB-COMMITTEE MEETING
OPEN SESSION MINUTES
February 25, 2020 3:30 PM**

Sub-Committee Members in Attendance

Rose Windmiller, Co-Chair
Vernal Brown – via phone
Fred Pestello – via phone

Herbert Simmons, Co-Chair
Derrick Cox
Irma Golliday – absent

Other Commissioners in Attendance

Constance Gully – absent
Aliah Holman – absent

Terry Beach
Justin Zimmerman – absent

Staff in Attendance

Taulby Roach, President and Chief Executive Officer
Lisa Stump, Lashly Baer
Myra Bennett, Manager of Board Administration
Brenda Deertz, Administrator/Executive Assistant to the President & CEO
Stephen Berry, General Manager - Public Safety, Central Facility - Public Safety
Kevin Scott, Director - Public Safety, Central Facility - Public Safety
Vernon Summers, Manager - Contract Security, Central Facility - Public Safety
Jessica Mefford-Miller, Executive Director Metro Transit
Larry Jackson, Executive Vice President Administration
Jim Cali, Chief Audit Executive
Patti Beck, Director of Communications
Angie Staicoff, Senior Internal Auditor
LaSilvia Franklin, Financial Analyst & Administrator
Kelli Fitzpatrick, Senior Internal Auditor
Sally Bender, Internal Auditor PT
Kent Swagler, Director of Corporate Compliance and Ethics
Jerry Vallely, External Communications Manager
Chris Poehler, Assistant Executive Director Engineering Services
Ted Zimmerman, Vice President Marketing & Communications
Paulette Koons, Brand Engagement Manager
Charles Stewart, Executive Vice President Organizational Effectiveness

Others in Attendance

Lurae Stuart, WSP
Elliot Davis, Fox News

1. **Open Session Call to Order**
3:34 p.m. Chair Simmons called the Open Session of the Bi-State Development Agency, Security Sub-Committee Meeting to order at approximately 3:34 p.m.
2. **Roll Call**
3:34 p.m. Roll call was taken, as noted above.
3. **Public Comment**
3:34 p.m. Chair Simmons noted that no speaker cards were presented.
4. **Approval of the Minutes of the January 8, 2020 Security Sub-Committee, Open Meeting**
3:34 p.m. The minutes of the January 8, 2020 Security Sub-Committee, Open Meeting were provided in the Committee packet. A motion to approve the minutes was made by Commissioner Cox and seconded by Commissioner Brown. Commissioner Pestello abstained from the vote. **The motion passed.**
5. **WSP Security Plan Presentation**
3:35 p.m. Commissioner Cox noted that page 3 of the minutes from the January 8th Security Sub-Committee Meeting noted that there would be an approval of, and vote on, the final plan. He stated that he had sent an e-mail to Commissioner Windmiller, asking that the plan be broken down into sections, for that vote. He stated that there are parts of the plan that he supports; however, there are other parts of the plan that he does not support, and he feels that being able to vote of individual parts of the plan would be more appropriate. Commissioner Cox also posed the question of how Bi-State Development can hold a signing ceremony for the plan, without an endorsement of the plan by the Board of Commissioners. Commissioner Cox made a motion that the plan be broken down into sections, after Ms. Stuart's presentation today, for separate votes, to be forwarded to the full Board for final approval. The motion was seconded by Commissioner Brown.

President and Chief Executive Officer, Taulby Roach, stated that several portions of the plan have already been implemented, including several contracts which have received approval, through a vote of the full Board of Commissioners. Mr. Roach stated that objections were not voiced during the approval of those contracts. Commissioner Windmiller stated that the full Board has seen and discussed the full report, in both Open and Executive Session meetings. She stated that she does not feel it is in the best interests of the organization to pull sections of the plan for separate votes. Commissioner Cox stated that he would rescind his motion, until the conclusion of today's presentation by Ms. Stuart. Commissioner Cox rescinded his motion, and Commissioner Brown rescinded her second to the motion.

Ms. Lurae Stuart, WSP, provided a presentation to the Sub-Committee regarding the Metro System Security Strategy, noting that the goal of Phase 2 is to implement and expand upon the security planning and policy recommendations from Phase 1, with a more comprehensive focus on the entire Metro transit system. She noted that this phase included a review of the security vision and objectives, and all hazards training and workshops to develop a security strategy that makes sense for St. Louis. In addition, she noted a focus on restoring the fractured relationships with some of the partners that had existed in the past. It was noted that a signing ceremony for the Security Strategy will be held tomorrow, with all of the partners. Ms. Stuart stated that the "major activities" identified in the Security Strategy include: Security (the rate, perception of and

vulnerability to crime); Fare Enforcement; Security Awareness & Involvement, and Systems Approach (identifying and assessing security threats by optimizing human resources, procedures, technology and equipment, facility design and improvements, and partnerships to maximize security effectiveness).

Ms. Stuart stated that the Security Plan itself will be the tactical operations plan for security. She stated that the major components of that plan will include: Management & Accountability, Security Planning, Fare Enforcement, Security Risk Management, Crime & Data Analysis, Safety & Security Certification, Security Reviews & Audits, Security Incident Investigations and Notification, Security Standard Operating Procedures, Security Systems & Technology, Training & Awareness, and Emergency Management Drills & Exercises. Ms. Stuart reported that the Security Plan will be a confidential document, which is security sensitive and will not be released to the public. It is anticipated that the Security Plan will be completed this week, and it will be updated as needed, under the State Safety Oversight (SSO) Program.

Ms. Stuart noted that, in the past, there has been a lot of “policing” with regard to the transit system; however, there has not been a lot of “security”. She stated that the Metro system had been operating with over 200 armed security, which is 2 to 4 times the national average, and she provided peer comparisons regarding this issue. She noted that, moving forward, Metro Transit will be using a layered security system as follows:

- Facility design that supports security (CPTED), plus
- Assessment of security risk to determine priority strategies, plus
- Visible security staff that support “see & be seen” and who engage with passengers, plus
- Technology that acts as a staff multiplier (texting, CCTV, access control), backed by
- Local law enforcement to respond to incidents, supported by
- State and Federal security agencies to provide threat information.

She stated that the process for security will follow the procedure of: deter, delay, detect, respond, and recover. She also reviewed the way in which research and information will be used in the security plan, including training recommendations for security partners, all hazards approach to transit and rail safety, workshops, deployment strategies, roles & responsibilities, and table top exercises.

Ms. Stuart noted that Metro Transit has been implementing changes in accordance with the recommendations, since last March, which include:

- Revised policing contracts signed
- Revised contracted security contract signed, 4/1/20 start date
- Security program leadership and direction aligned with strategy
- Partner Communication and Cooperation
- Revised Deployment Strategies including:
 - Roving and active contracted security
 - New role for Transit Security Specialists
- Support for security program through secondary employment contracts for additional law enforcement
- In-house Metro security roles refined and implemented

- High visibility uniforms for Metro security and contracted security
- Clearly defined roles and accountability requirements for each partner in the security program

Commissioner Cox stated that there were several statements that noted “focus on the rider”, and he agrees with that. He asked if the studies indicate that more riders on the system makes the system safer. She stated that there is a correlation. Commissioner Cox posed questions regarding page 6 and 7 of the presentation, with regard to firearms. Ms. Stuart clarified that Metro Transit, compared to its peers, has had four to five times the number of security on its system, and all were armed. She also clarified that she did not say that the number of firearms were the “problem”; but firearms are not the “solution”. She added that, although all security were armed, the riders still did not feel safe. She pointed out that, with the other five peer groups, only the police were armed, and the riders felt safe. Commissioner Cox stated that riders have indicated to him that if security is not armed, they will not ride the system. He referred to page 6 of the presentation and asked if we focused on the problems of lack of engagement with passengers and lack of strategic deployment and fixed posts, could we leave all of the security armed. Ms. Stuart stated that we are focusing on giving security the right tools for the job. The goal is to have security deescalate situations, where firearms are not needed. She stated that she is not opposed to having firearms as part of the system, but they should play a very specific role, and in her opinion should only be in the hands of law enforcement, who have had extensive training in their use. Commissioner Cox stated that he does not understand why we cannot have security guards who are engaging with passengers, but are armed, in the event that a situation escalates. Commissioner Cox stated that he is in favor of breaking the plan down into specific areas, where the Board can vote on whether they agree or disagree with certain aspects of the plan, instead of the plan as a whole. Ms. Stuart stated that this is a layered approach that are interdependent upon one another. She stated that she was hired to make recommendations; all security are currently armed, and it is not effective. She is recommending that the system try something different than what it has been doing, and let the data determine the success of the plan.

Commissioner Simmons asked if the other partners are on board with this model, including our security team, as well as our law enforcement partners. Ms. Stuart indicated that they are all in agreement, including all Police Chiefs involved, that the law enforcement team should be the only armed force.

President & CEO Roach stated that staff is attempting to bring the Security Strategy to a vote of the full Board, at the request of Commissioner Cox; however the Security Plan itself includes complicated contracts with our Police partners, and with contract security, and all of those contracts have been brought to Board and have received unanimous votes for approval. He stated that, as CEO, he has been tasked with negotiation of key aspects of this plan with our partners, specifically with East-West Gateway and law enforcement partners. He stated that the main focus recently has been field security, and will be shifting into a focus on systems security. Mr. Roach noted that, as referenced by Ms. Stuart, this plan will need to be revised as we go, as we see fit, and as we move through the SSO portion. He stated that this plan is not “cast in concrete”, never to be changed, and he hopes that addresses any concerns that had been expressed by Chief Audit Executive, Jim Cali. Commissioner Cox asked why wait to address the concerns expressed by Mr. Cali, when they could be addressed today. Commissioner Windmiller noted that Mr. Cali had sent an e-mail to the Board, regarding a concern to allow the Internal Audit Department to oversee a third party audit. Mr. Cali stated that is correct. He noted that, in

section 6, WSP has included some language that is contradictory to SSO standards, the way they are currently operating. Mr. Cali clarified the issue for the Committee. Additional discussion was held regarding this issue. Ms. Stuart stated that the issues noted are contained in the Security Strategy, which was negotiated with Metro Transit's partners, not the Security Plan, which will contain the specific direction with regard to SSO. She noted that the Plan is not finalized at this point. President & CEO Roach stated that he has a ton of respect for Mr. Cali and his audit department; however, he feels that these issues should be discussed at a staff level, and they are not appropriate to be discussed in detail at this meeting today.

Commissioner Pestello thanked Ms. Stuart for today's presentation, and stated that he feels it was very well done. Commissioner Beach agreed with Commissioner Pestello's comments.

Commissioner Simmons asked if there is anything regarding the approval of the Security Strategy that would stop the discussion of the items that Mr. Cali has brought forward. Ms. Stewart stated that they would look at the issues and language that has been suggested and discuss these issues on Thursday, to see how this could be incorporated, while being cognizant of the agreement that has been made with the County and the City. She stated that she will make sure that this is also addressed in the Security Plan.

Commissioner Cox made a motion that the security plan, which is before the Committee today, be broken out into two areas, to be forwarded to the full Board for a vote. Chair Simmons asked if there was a second; being none, Chair Simmons stated that the motion died for lack of a second.

6. General Law Enforcement Contracts – Update

4:47 p.m. Stephen Berry, General Manager Public Safety, noted that all three contracts (St. Louis County, St. Louis City, and St. Clair County) have been updated, approved and executed. He noted that Kevin Scott, Director Public Safety, and Vernon Summers, Manager Contract Security, are in attendance at today's meeting, should the Board have any questions.

Commissioner Cox stated that he has respect for all three of these staff members, and commended them for their work. Commissioner Cox asked for clarification of the number of officers that will be provided by each jurisdiction, and asked how many of those will be actually riding the system, as opposed to having "desk jobs". It was noted that 8 Police Officers will be provided by the City of St. Louis, 44 by St. Louis County, and 15 by St. Clair County. Stephen Berry stated that all of the officers will be riding the system. Commissioner Cox asked if this will be more officers than is currently used, and Mr. Berry noted that it is the same number that is currently utilized.

Commissioner Cox asked who made the decision to hire G4S for the Contract Security. Mr. Berry noted that a panel of 5 individuals scored each of the proposals submitted, and the top 2 proposals proceeded, based off of those scores. Commissioner Cox asked if the panel was aware of the negative articles regarding G4S, during the selection process. Mr. Berry noted that the articles referenced, were published after the decision had been made. He noted that this issue is on the agenda for discussion under agenda Item #8 today, but he could go ahead and address some of these questions now, if the Committee agrees. He stated that G4S is a large company that is involved with many different types of security services, and he noted that the material that was published regarding G4S, had nothing to do with their transit security services. Mr. Berry reported that phone calls were made to other organizations who contract with G4S for transit

security, and no concerns were noted. Commissioner Cox stated that the Board was not made aware of the pros and cons of any of the companies being considered. Commissioner Windmiller stated that, if a Board member has questions during the vetting process, they are welcome to pose those questions, and noted that the Board had ample time to express any concerns, and to have those concerns addressed by staff. Commissioner Cox noted that the Board was not involved in the final selection. Commissioner Windmiller noted that staff went through a vetting process with each of the applicants, and provided a recommendation to the Board, along with the background information from the process. She stated that this Board does not just “rubber stamp” items, and they have ample opportunity to pose questions during the process; however, the Board does rely on staff review in making decisions. Commissioner Simmons stated that he agrees with Commissioner Windmiller’s assessment. He stated that the Board must be able to rely on its staff on these issues.

Vernon Summers stated that, with regard to the transitioning process, Metro Transit has been communicating with G4S daily on the process regarding the changeover, as well as their hiring process.

Stephen Berry stated that one of the main areas of concern has been the re-hiring of any Securitas staff. Mr. Summers noted that only 30-40% of Securitas staff is being used, and the supervisor role has changed significantly and additional supervision has been added.

7. Secondary Law Enforcement – Memorandums of Understanding

4:58 p.m. Kevin Scott, Director Public Safety, noted that Metro Transit is under 3 separate agreements for secondary law enforcement. He stated that we are currently under a secondary MOU in St. Clair County, a secondary MOU with St. Louis City and with St. Louis City Sheriff’s Department, and we currently staff 3 St. Louis City Police Officers and are preparing to onboard additional St. Louis City Police Officers under a secondary contract as well.

8. New Security Contract – Transition to G4S Progression Update

(This item was previously discussed under Item #6.)

9. Rider Code of Conduct

5:00 p.m. Stephen Berry, General Manager Public Safety, noted that staff has been working with the Marketing Department regarding development of a strategy for the implementation of the new signage, and signage is ready. President & CEO Roach will supply a draft of the signage to the Board of Commissioners, electronically.

10. Ride and Abide Policy – Update

5:02 p.m. Kevin Scott, Director Public Safety, stated that WSP is assisting staff in working through revisions to this policy. He noted that, once completed, the document will go to TAWG for review, and it will then be brought before the Board for approval. Stephen Berry, General Manager Public Safety, noted that staff should have a clean copy of the draft by the end of this week. President/CEO Roach stated that he anticipates that the draft “Ride and Abide Policy” will be coming before the Board for review in June; however, once the “Code of Conduct” is finalized, it will be put in place immediately, as it is an operational document, rather than a “policy”.

11. Motion to move Executive Session

5:04 a.m. Chair Simmons requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080, (D) (1) – Legal, (D) (2) – Personnel, and (D) (10) – Security.

A motion to move into Executive Session was made by Commissioner Windmiller and seconded by Commissioner Cox. A roll call vote was taken as follows:

Rose Windmiller – yea	Herbert Simmons – yea
Vernal Brown – yea	Derrick Cox – yea
Fred Pestello – yea	Terry Beach – yea

Motion passed unanimously, and the Committee moved into Executive Session at 5:05 p.m.

12. Reconvene to Regular Meeting

Commissioner Pestello left the meeting at approximately 5:32 p.m.

6:01 p.m. The Committee reconvened to the Regular Meeting at approximately 6:01 p.m. Chair Simmons asked for a motion to approve the minutes of the October 29, 2019 Security Sub-Committee, Executive Session Meeting, as presented, as a closed record. The motion was made by Commissioner Cox and was seconded by Commissioner Windmiller. The poll of the Board being:

Rose Windmiller – yea	Herbert Simmons – yea
Vernal Brown – yea	Derrick Cox – yea
	Terry Beach – yea

Motion passed unanimously.

Chair Simmons asked for a motion to approve the minutes of the November 18, 2019 Security Sub-Committee, Executive Session Meeting, as presented, as a closed record. The motion was made by Commissioner Windmiller and was seconded by Commissioner Cox. The poll of the Board being:

Rose Windmiller – yea	Herbert Simmons – yea
Vernal Brown – yea	Derrick Cox – yea
	Terry Beach – yea

Motion passed unanimously.

Commissioner Windmiller made a motion to recommend to the Board of Commissioners that the WSP Plan be approved. The motion was seconded by Commissioner Brown. The poll of the Board being:

Rose Windmiller – yea	Herbert Simmons – yea
Vernal Brown – yea	Derrick Cox – nay
	Terry Beach – yea

Motion passed by a vote of 4 – yea; 1 – nay.

12. Adjournment

6:03 p.m. Chair Simmons asked if there was any further business; being none, Commissioner Brown made a motion to adjourn the meeting. The motion was seconded by Commissioner Windmiller. Unanimous vote in favor taken. Motion passed, and the meeting was adjourned at approximately 6:03 p.m.

Deputy Secretary to the Board of Commissioners
Bi-State Development

Open Session Item

5

From: Public Safety Department
Subject: Ride and Abide Policy
Disposition: Approval
Presentation: Stephen Berry, General Manager of Public Safety
Kevin Scott, Director of Security
Vernon Summers, Manager of Contract Security

Objective:

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (“Agency”) strives to provide a safe and welcoming environment for all users of its passenger transportation system. The Metro Transit System (“MTS”) is any property, real or personal, owned, leased, or controlled by the Agency and used to operate, maintain or provide public transportation services by rail, motor vehicle or any other means of conveyance. MTS includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, MetroLink, MetroBus, Metro Call-A-Ride vehicles, and their related facilities, conveyances, guideways and rights-of-way.

Patrons shall comply with all Agency policies and instructions given by Authorized Persons and observe the applicable rules and regulations governing use and conduct on the MTS, which are also referenced in the Metro Code of Conduct (addendum A, page 11). “Authorized Persons” are Agency security staff, Agency-contracted security personnel and fare inspectors, and law enforcement personnel.

Moreover, it is expected that all persons on the MTS shall:

- Be respectful of fellow MTS passengers and Authorized Persons;
- Comply with all lawful orders and directives of any Authorized Person; and,
- Obey any instructions on notices or signs duly posted in or on the MTS; and
- Provide accurate, complete and true information or documents requested by Authorized Persons.

Background:

MTS connects the communities it serves and riders to education, entertainment, healthcare, and jobs. For some riders, it is their most desirable option for transportation and for others; it provides viable options. MTS connects travel efficiencies while at the same time, reduces traffic congestion and stress on infrastructures. While transit can produce a superbly set of investments, growth and travel options; it is also susceptible to undesirable consequences. These types of consequences affects transit system effectiveness, on time performance and most importantly, safety and security. MTS’s uniqueness of serving the communities that it travels through does produce a certain element of crime activity and nuisance behavior; which has evolved into taking advantage of the locations accessible by MTS. In 2020, it is critical to decrease this nuisance effect on ridership along the MTS alignment. MTS crime data analysis has produced reliable information that suggests a Ride and Abide Program would be a viable asset to its current operational effort in abating nuisance elements.

Analysis:

Metro Public Safety collects and analyzes system-wide security-related data in an effort to identify trends and inform deployment. This data includes citations issued across the MetroLink system.

Metro Public Safety analyzed citation data collected by SCCSD, Fare Inspectors, and Metro TSSs for calendar 2019 in an effort to identify the portion of frequent offenders. This data is only a snapshot of the total citations issued across MetroLink and does not include citations from our partners at SLMPD or SLCPD.

The sample of citations issued across the MetroLink system, largely fare related, totaled 6,257. Of this sample, 41% of the citations were issued to repeat offenders (individuals who received two or more citations). Further analysis found 20% of the total citations were issued to offenders with four or more citations and 8% with ten or more. The top ten offenders were issued twenty or more citations throughout 2019; the maximum was 43 citations issued to a single individual. This data supports anecdotal information coming from Metro customers, employees, and contracted law enforcement that most of the disorder across the system originates from the same group of individuals. The Ride & Abide Program specifically addresses this type of disorder by suspending frequent offenders from the system or banning them indefinitely. In theory, repeat offenders and nuisance behavior should dissipate as frequent offenders are removed from the system.

Committee Action Requested:

Approval

Attachments:

Metro Transit Ride and Abide Policy

Funding Source:

Policy will be enforced and administrated by current Public Safety staff. No increase in funding required.

Open Session Item 5
Attachment

Metro Transit Ride and Abide Policy

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (“Agency”) strives to provide a safe and welcoming environment for all users of its passenger transportation system. The Metro Transit System (“MTS”) is any property, real or personal, owned, leased, or controlled by the Agency and used to operate, maintain or provide public transportation services by rail, motor vehicle or any other means of conveyance. MTS includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, Metrolink, Metrobus, Metro Call-A-Ride vehicles, and their related facilities, conveyances, guideways and rights-of-way.

Patrons shall comply with all Agency policies and instructions given by Authorized Persons and observe the applicable rules and regulations governing use and conduct on the MTS, which are also referenced in the Metro Code of Conduct (addendum A, page 11). “Authorized Persons” are Agency security staff, Agency-contracted security personnel and fare inspectors, and law enforcement personnel.

Moreover, it is expected that all persons on the MTS shall:

- Be respectful of fellow MTS passengers and Authorized Persons;
- Comply with all lawful orders and directives of any Authorized Person; and,
- Obey any instructions on notices or signs duly posted in or on the MTS; and
- Provide accurate, complete and true information or documents requested by Authorized Persons.

A. Prohibited Conduct

Prohibited Conduct on the MTS is set forth in Agency rules and regulations and Section 70.441 of the Missouri Statutes or Section 110/6 of Chapter 45 of the Illinois Statutes. Authorized Persons may give warnings or issue citations for any violations thereof. In addition, the following is a list of Prohibited Conduct which can result in removal from the MTS, as well as citations:

1. No person shall engage in any activity prohibited by Federal, state, or local law.
2. No person shall possess, use, distribute, or sell any controlled substance.
3. No weapon or other instrument intended for use as a weapon may be carried in or on the MTS, except by Authorized Persons.
4. No explosives, flammable liquids, acids, fireworks, or other highly combustible or flammable materials or radioactive materials may be carried on or in the MTS, except as authorized by the Agency.
5. No person shall commit an assault or battery upon another person or engage in a fight.
6. No person shall unreasonably and knowingly disturb or alarm another person on or in the MTS by loud noise, threatening, abuse, harassing or offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient, or by creating a noxious and offensive odor. Noxious and offensive odors creation include, smoking tobacco or other substances, vaping, use of electronic cigarettes or carrying heated, lighted, or smoldering substances in any form, except in designated areas.
7. Intentionally obstructing or impeding the flow of an MTS conveyance or passenger movement; hindering or preventing access to MTS property; or causing unreasonable delays in boarding or deboarding.
8. Spitting, expectorating, urinating, or defecating on MTS property or conveyance.

9. Defacing, destroying, or otherwise vandalizing MTS property or conveyance, or any signs, notices, or advertisements on the MTS.
10. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage.
11. Entering nonpublic areas, including but not limited to tunnels, guideways, rights-of-way, and equipment rooms, except as authorized by the General Manager of Field Security (or designee) or when instructed by Agency security personnel, contracted security personnel, fare inspectors, or law enforcement.
12. Throwing an object at or on MTS property or conveyance, or at a person on MTS property or conveyance.
13. Dumping any materials whatsoever on MTS property, including chemicals or automotive fluids.
14. Failing to present a valid, unexpired pass, transfer, or ticket, or otherwise failing to pay the appropriate fare as required by Agency and/or Missouri or Illinois regulations.
15. Falsely claiming to be a Metro Transit operator or other Agency employee; or through words or actions and/or use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creating a false impression that they are a Metro Transit operator or other Bi-State employee.
16. Engaging in gambling or any game of chance for the winning of money or anything of value.
17. Discharging a laser-emitting device on any MTS property, guideway, or right-of-way, or conveyance, directing such a device from a MTS conveyance toward any other moving vehicle or directing such a device toward a Metro Transit operator, Agency employee, or passenger.

B. Suspension of Transit Privileges Based on Prohibited Conduct

In addition to the applicable penalties for violations of the law and violations of Agency rules and regulations on the MTS, failure to observe this Policy may result in the suspension of privileges for use of the MTS, up to and including permanent suspension of privileges and/or ban from the MTS. Notwithstanding the foregoing, the Agency General Manager of Field Security, or a designee, may take any appropriate action in response to Prohibited Conduct including the issuance of a suspension of transit privileges up to permanent suspension of such privileges to any person that the Agency General Manager of Field Security or designee finds, based on the totality of the circumstances, that such person's conduct is unacceptably offensive, serious, threatening, or malicious, including but not limited to when an individual commits acts of violence on the MTS. The suspension period shall be determined on a case-by-case basis, but will be based upon the following criteria:

- First Offense – Suspension period of 1 day to six months.
- Second Offense – Suspension period of more than 12 months, up to and including a permanent suspension of transit privileges.

The General Manager of Field Security may issue a suspension of transit privileges in excess of one year for the first offense where a particular individual poses an immediate and serious threat to the safety of Metro Transit riders or employees. An individual poses an immediate and serious threat when he or she has committed a sexual assault, committed an assault that resulted in serious injury or death, or used a weapon to injure another person while offender was on the MTS.

If a suspended person returns to the MTS or to any portion of the MTS that they have been suspended from during the suspension period, the individual may be subject to arrest and criminal prosecution for trespass.

The Agency General Manager of Field Security is authorized to review, investigate, invalidate or rescind any suspension, at any stage during, or after, the processing of a suspension of transit privileges.

C. Immediate Dismissal Command

If after an Authorized Person requests an individual to comply with the Policy provisions and they fail to comply with the request for compliance, they may be ordered to leave the MTS by the Authorized Person. The order may be oral or a written directive to address a safety threat to persons or in response to Prohibited Conduct that disrupts the order and security of the MTS. Failure to immediately comply shall be grounds for prosecution for criminal trespass and/or suspension of transit privileges.

D. Suspension of Transit Privileges Procedures

An individual may be suspended from the MTS or any part of the MTS by any Authorized Person based upon an observation by the Authorized Person, or on evidence collected by the Authorized Person that there is preponderance of evidence that the individual engaged in Prohibited Conduct under this Policy.

- 1. Notice of Suspension.** Any individual whose transit privileges are being suspended from the MTS, or any part thereof, must be issued a written Notice of Suspension (“Notice”), attached hereto as Exhibit A. If the individual refuses the written Notice, the Authorized Person seeking to issue the Notice shall make note of the refusal and advise the individual of the suspension orally.

The Notice shall set forth a description of the Prohibited Conduct giving rise to the suspension; the duration and area of the MTS, included in the suspension; and instructions for requesting a review for modification or appeal of the suspension.

- 2. Minors.** Every effort shall be made to immediately notify the parent or guardian of a minor of the suspension of transit privileges and the Prohibited Conduct that led to the suspension.
- 3. Incident Reports.** An Authorized Person who determines that an individual’s Prohibited Conduct warrants suspension of transit privileges shall complete an incident report immediately afterwards. The incident report shall include a description of the Prohibited Conduct, action taken in response to the Prohibited Conduct, including reasons for the individual’s suspension of transit privileges; and other relevant information, including whether or not the individual was arrested. A copy of the incident report shall be provided to the Agency General Manager of Field Security within 24 hours of the incident.
- 4. Compliance with Procedures.** The Agency General Manager of Field Security shall ensure compliance with the procedures and the suspension periods set forth in this policy and, if circumstances warrant, shall have the authority to modify or repeal the suspension. The Agency General Manager of Field Security shall promptly notify the suspended individual of any modification or repeal of their suspension.

E. Requests for Review

Every person whose transit privileges are suspended pursuant to this Policy shall be entitled to a review of the suspension of transit privileges. The review may be requested with or without an in-person hearing. The request may be to modify the suspension duration, times of day the suspension is in effect, and/or the portion of the MTS from which the individual is suspended, or to repeal the suspension in its entirety. The purpose of the review/hearing is to:

1. Review and determine whether the basis for issuance of the Notice of Suspension was sufficient; and
2. Determine whether the length and scope of a suspension is commensurate with the nature of the Prohibited Conduct; and

3. Render a finding on whether it is more probable than not that the individual engaged in the Prohibited Conduct justifying a suspension; and
4. Consider any undue hardship and mitigating and aggravating factors that may be relevant to the scope and length of a suspension; and
5. Issue a final suspension order to sustain, modify, or repeal a Notice of Suspension (“Notice of Determination,” described below and attached hereto as Exhibit B).

All requests for review must be made in writing and submitted within ten (10) business days of the issuance of a Notice of Suspension to:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103

OR

Email Address:

PublicSafety@metroslouis.org

Requests for review shall include:

- Full name, address, phone number, and email;
- Date suspension occurred;
- Suspension Notice number (located in the top right corner of Notice) ;
- All reasons the suspension should be modified or repealed; and
- Indicate if a review hearing is requested or waived.

If suspended individuals request a review, the individuals may submit any documentation that they believe supports the request for modification or repeal of the suspension.

Failure to request a review of the Notice of Suspension, with or without a hearing within 10 days of issuance of the Notice of Suspension, shall be deemed a waiver of a review.

Request for Review – Without Hearing

All requests for review of suspension without a hearing will be reviewed by the Agency General Manager of Field Security, or designee, within seven (7) business day of receipt of the request for review. The review shall be based on the documentation submitted at the time of review. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. A Notice of Determination, setting forth all findings and a decision on the suspension, shall be made within ten (10) business days following the conclusion of the review.

Request for Review with Hearing - Suspensions of Less than 30 Days

If a hearing is requested for a suspension of transit privileges of less than thirty (30) days, the hearing will be conducted by the Agency General Manager of Field Security or designee, by telephone. Hearing notes, including the name of the individual and number called, and date and time of the hearing, shall be made during the hearing. The Agency General Manager of Field Security, or designee may, at their discretion,

request additional information from the individual prior to rendering a decision. The Agency General Manager of Field Security or designee shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the hearing.

Request for Review with Hearing – Suspensions of 30 Days or Greater

If the suspension of transit privileges is thirty (30) days or more and the suspended individual requests review with hearing, a representative of Agency Public Safety will contact the individual within five (5) business days of receipt of the review request to schedule a hearing date. All hearings for suspensions of thirty (30) days or more will be conducted in-person.

The Suspension Review Board (“Board”) will conduct all in-person hearings. The Board will consist of the following members:

1. Agency General Manager of Field Security (Chair)
2. Agency General Manager of MetroLink
3. Agency General Manager of MetroBus
4. Citizen from the Metro Transit Missouri Service Area, or alternate*
5. Citizen from the Metro Transit Illinois Service Area, or alternate*

* Citizens are appointed by the Agency President/CEO for one-year terms.
Terms may be renewed

If any Agency member of the Suspension Review Board is unable to attend the review for any reason, that member shall appoint a designee to serve on the Board in their place. Alternates shall be appointed for each Citizen position and shall participate when the primary appointee is unable to attend.

The in-person review hearing shall be an informal proceeding to facilitate a review of the suspension and provide an opportunity for the suspended individual to be heard. The hearing shall be recorded. The suspended individual may present evidence on his or her behalf, including witness statements, oral presentations, and other supporting documentation. The Board Chair shall maintain order and rule upon all questions regarding the order and conduct of the hearing and ensure that the suspended individual receives a meaningful opportunity to be heard, make arguments on their behalf, and present evidence in support of their position.

The Board shall make a final determination on whether the suspension is supported by a preponderance of the evidence, and these decisions shall be determined by a majority vote of the members of the Board. The Board shall modify the original suspension, if warranted, after it balances the safety and security needs of the MTS with justice, fairness, and the constitutional rights of the suspended individual.

The Board shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the in-person review hearing.

Review of Suspensions of Greater than 12 Months

Twelve months after the effective date of the suspension, and once every twelve months thereafter as applicable, an individual whose suspension is greater than twelve months may request a hearing before the Board to request a modification of the suspension. Such hearings shall be conducted in the manner provided above for review of suspensions of greater than thirty (30) days. The individual may submit evidence which shows any or all the following:

- (a) Participation in a rehabilitation or other program that tends to reduce recidivism.
- (b) A lack of criminal activity or conduct since the date of suspension.

- (c) Relevant information or evidence regarding the criminal proceedings related to the offense at issue.
- (d) Other evidence that tends to show that the individual no longer poses a threat to Metro Transit passengers and employees.

Other relevant information is to include, but may not be limited to:

- (a) The criminal record of the suspended individual.
- (b) The seriousness of the prohibited conduct/behavior for which the individual was suspended.
- (c) Agency's own evidence, such as video surveillance footage or statements made by Agency employees concerning the suspended individual's behavior on the MTS from the incident giving rise to the exclusion.

Individuals who were suspended for violent offenses shall not be entitled to a modification of the suspension.

Undue Hardship

As part of any suspension review, an individual whose transit privileges have been suspended may request a modification of the suspension of transit privileges on grounds that the suspension would create an undue hardship. Upon a determination by the Agency General Manager of Field Safety, or a designee, or the Board, following the review of the Notice of Suspension and any other evidence presented at the time of the review or hearing, that an undue hardship exists, the Agency General Manager of Field Safety, or a designee, or the Board may order a modification or a repeal of the suspension of transit privileges under the circumstances provided for below:

(1) An individual with a disability shall not be issued a complete suspension of transit privileges from the MTS unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the MTS. Absent such a finding, a modification of the suspension shall be made to allow an individual with a disability to use the MTS for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

(2) An individual who is Transit-Dependent shall not be issued a complete suspension of transit privileges from the MTS unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, a modification of the suspension shall be made to allow a transit dependent individual to use the MTS for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

An individual who is Transit-Dependent is an individual who has no independent source of transportation and relies solely on public transit for local movement and access. Any individual asserting the right to a modified suspension on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

F. Notice of Determination

All reviews will result in one of the following dispositions:

1. **Sustained** - the suspension stands without modification;
2. **Modified** - the suspension stands, but with a reduction of the suspension period, adjustment of times of day the suspension is in effect, and/or the portion of the MTS from which the individual is suspended, including routes/lines, for specified reasons;
or
3. **Repealed** - the suspension is overturned, and all transit privileges are restored.

If the suspended individual fails to provide a mailing address, the Notice of Determination will be held for pick-up at the Bi-State Department of Public Safety, 3330 Spruce Street, St. Louis, Missouri, 63103.

Exhibit A
NOTICE OF SUSPENSION
METRO TRANSIT

DATE: _____

SUSPENSION NO. XXX

NAME: _____ DOB: _____
ADDRESS: _____
Physical Description of the individual being suspended: Height: _____ Weight: _____ Gender: _____ Race: _____ Hair: _____ Eyes: _____
Other Distinguishing Attribute: _____
This is notification that, on the SUSPENSION START DATE listed below, your TRANSIT PRIVILEGES ARE SUSPENDED from the following Metro Transit property:
____ MetroBus ____ MetroLink ____ Metro Call-A-Ride
____ Transit Center _____
____ Any property or facility owned, operated, or maintained by Metro Transit
YOUR PRIVILEGES HAVE BEEN SUSPENDED FOR A PERIOD OF NOT LESS THAN: DAYS: _____ MONTHS: _____ OTHER: _____
SUSPENSION START DATE: _____ SUSPENSION END DATE: _____
You are SUSPENDED on _____ day of _____, 20____, on or about _____ AM/PM due to your Behavior/Conduct as follows: _____ _____ _____ _____
Name of Authorized Person: _____
Signature of Authorized Person: _____
If you do not request review of this SUSPENSION <u>within ten (10) business days of issuance of this Notice</u> , this SUSPENSION is in full effect for the duration has specified above, unless you are notified otherwise. You may request a review, as described on the reverse side of this form.
<u>IF YOU ATTEMPT TO ENTER ANY METRO VEHICLE OR FACILITY THAT YOU ARE EXCLUDED FROM DURING THE SUSPENSION PERIOD,</u> <u>YOU MAY BE SUBJECT TO ARREST AND CRIMINAL PROSECUTION.</u>

White Copy—Metro Transit Pink Copy – File Yellow Copy—Subject

REVERSE SIDE OF NOTICE OF SUSPENSION

REQUEST for REVIEW MODIFICATION OR APPEAL

All requests for review must be made in writing within 10 business days of the issuance of this Notice of Suspension to:

Mailing address:

**Suspension Review Board
Metro Transit Public Safety OR PublicSafety@metroslouis.org
3330 Spruce Street
St. Louis, MO 63103**

Requests for review of this suspension of transit privileges maybe made with or without a hearing. All requests shall include:

- **Full Name**
- **Address**
- **Email**
- **Date of suspension**
- **Notice of Suspension number (located in up right corner of notice)**
- **Reasons suspension should be modified or repealed. Include any documentation to support the request. Modifications may be made for times of day, days of week, and/or portions from Metro Transit property or services.**
- **Indicate whether a review hearing is requested**
 - **Hearings for suspensions of less than 30 days are conducted by telephone**
 - **Hearings for suspensions 30 days or greater are conducted in person**

REVERSE SIDE OF NOTICE

EXHIBIT B
NOTICE OF DETERMINATION

DATE: _____

SUSPENSION NO. XXXXX

NAME
Address
City, State, Zip Code

Dear:

This letter is to inform you that a determination has been made in your Request for Review of your suspension of transit privileges dated _____. The determination is as follows:

_____ Sustained - the suspension stands without modification.

_____ Repealed - the suspension is overturned, and all transit privileges are restored.

_____ Modified - the suspension stands, but with the length, times of day or locations modified for specified reasons:

DAYS: ____ MONTHS: ____ OTHER: ____.

TIMES OF DAY _____ LOCATIONS _____

If you have any questions concerning this action, please do not hesitate to contact the Review Board
at:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103

OR

Email Address:

PublicSafety@metrostlouis.org

Respectfully,

Agency General Manager of Field Security



Metro Transit Code of Conduct

METROBUS • METROLINK • CALL-A-RIDE



We want you to have a safe, secure and comfortable ride on the Metro Transit system. Please respect your fellow passengers and help us reduce nuisance behavior. This Code of Conduct applies to everyone who uses Metro Transit.





Rules for Riding

Pay Your Fare

On MetroBus, pay as you board or present your valid pass. For MetroLink, be sure to validate your fare before entering paid-fare zones at every station. Always be prepared to show your valid fare or pass to security personnel, fare inspectors, or law enforcement.

Respect Other Passengers

Everyone has the right to be respected. Foul language, intimidation and other types of disrespectful behavior will not be tolerated.

Service Animals Welcome Small Pets

Permitted in Carriers Small pets are allowed on buses and trains as long as they are kept in closed animal carriers. Service animals are exempt. Emotional support, comfort or therapy animals are not service animals.

Use Headphones & Keep the Volume Low

Music and phone conversations should always be kept quiet. If other passengers can hear your music or conversation, it's too loud.

Food & Drink in Closed Containers Only

Eating and drinking are not permitted on Metro Transit vehicles. All food must remain in closed containers and drinks must always have a sealable lid.

Shirts, Pants/Skirts, Shoes Required

Yes – shorts, dresses, flip-flops, etc., are acceptable. We ask that passengers are properly clothed.

Don't Lie Down or Place Feet on Seats One fare, one seat. Also, feet were made for the ground – let's keep them there.

Do Not Disturb the Operator For everyone's safety, don't disturb operators unless it's an emergency. Let them focus on getting you to your destination safe and on time. **Speak Quietly**

Be mindful of your language and behavior, and please keep your voice low while you're on Metro Transit. Excessive noise is not allowed. **No Littering**

Help us keep our system clean. Take all containers and trash with you when you leave the train or bus, and dispose of them properly.

No Smoking, E-Cigarettes or Vaping

Smoking or vaping of any kind is prohibited on buses, trains, in bus shelters, platforms and on all Metro Transit property. **No**

Alcohol or Drugs Consumption and possession of illegal drugs and alcohol are prohibited. Don't bring them with you.

No Hazardous, Combustible or Dangerous Materials

Obviously, this goes without saying.

Hazardous materials of any kind are not allowed on Metro Transit. **No**

Weapons of Any Kind

If it can injure someone or damage property, it's not allowed on Metro Transit – regardless of whether it's legal or not. This includes concealed-carry or open-carry weapons.

No Soliciting

No soliciting of any kind is allowed on Metro Transit, which includes selling items and asking for money or assistance.

Penalties

Anyone who violates these rules may be removed from vehicles or property, may have their riding privileges suspended, and could be subject to civil or criminal penalties.

How to Report

Let us know if you see any rule violations or encounter any nuisance behavior. Metro Public Safety can be reached directly by text or phone, 24/7, and security personnel can be quickly dispatched to your location.



**METRO
PUBLIC
SAFETY**

Available 24/7

**TEXT: 314.300.0188
CALL: 314.289.6873**



CM200184