



Date: May 7, 2007
 Committee Meeting Date: May 16, 2007
 Board Meeting Date: June 7, 2007
 ACTION X DISCUSSION _____ INFO _____

BOARD MEMORANDUM

TO: Transit Planning and Operations Committee
 Santa Clara Valley Transportation Authority
 Board of Directors

THROUGH: Michael T. Burns
 General Manager

FROM: Donald A. Smith, Jr.
 Chief Operating Officer

SUBJECT: Contract for Law Enforcement Services with the County of Santa Clara Office of the Sheriff

RECOMMENDATION:

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

Authorize the General Manager to execute a contract with the County of Santa Clara Office of the Sheriff for law enforcement services for a period of five years at current staffing levels for a total estimated contract value of \$19,100,000.

BACKGROUND:

VTA's law enforcement services are provided under contract with the County of Santa Clara Office of the Sheriff along with security and protective services provided by Securitas Security Services USA, Inc., a private security services contractor. System-wide security is provided through this combination of County Sheriff's law enforcement officers and Securitas unarmed and armed transit security officers. The Sheriff's Transit Patrol Division provides general law enforcement and investigative services. Securitas unarmed security officers are assigned to all VTA work facilities as well as to selected transit facilities. In addition, Securitas armed security officers patrol VTA facilities, ride on bus and light rail, provide revenue collection and protection, and provide security at VTA events.

The Santa Clara County Sheriff's Department has provided law enforcement services for VTA since October 1, 1990. The most recent five-year agreement with the Sheriff's Department expired March 31, 2006. Two amendments were executed to extend the agreement for an additional fifteen months, through June 30, 2007. On June 1, 2006 the Board approved the most

recent amendment to extend the contract for twelve months to allow staff to review the recommendations relating to security provided as part of the Organizational and Financial Assessment conducted by the Hay Group. The current agreement expires June 30, 2007. The FY07 projected cost for this contract is \$3,238,000.

The Organizational and Financial Assessment (March 2007) Program Specific Review on Security recommends that VTA revisit security contracts with the Santa Clara County Sheriff's Department and Securitas. The report notes that "the cost of the Sheriffs is significantly higher than that of Securitas services and VTA should look to reduce the level of Sheriff's participation in providing transit security".

DISCUSSION:

Under the direction of VTA's Chief Operating Officer, the Sheriff's Office provides system-wide law enforcement services to VTA facilities as well as on-board bus and light rail vehicles. This Transit Patrol Unit provides general law enforcement services and investigative services throughout VTA's service area, and is currently staffed as follows:

- 1 Captain,
- 2 Sergeants,
- 15 Deputies, and
- 1 Executive Assistant I

No changes to the current staffing configuration are proposed.

The contract also provides for special enforcement units as follows:

- Route Stabilization Team (RST)
This plain-clothes unit operates on VTA bus routes and light rail lines to ensure a safe environment for operators and passengers.
- Investigative Unit
This unit provides investigative services related to all criminal and security-related incidents, including vandalism and graffiti, on VTA property or involving VTA employees.

Staffing for these special enforcement units is included in the current staffing configuration.

The Sheriff's Office also has the ability to provide additional support services through the Reserve Deputy Program for special enforcement assignments. Examples of special enforcement assignments include increased law enforcement services on the Fourth of July and New Year's Eve and at special events such as the annual San Jose Grand Prix.

Staff recommends executing a new contract for law enforcement services with the County of Santa Clara Office of the Sheriff for a term of five years, at current staffing levels. The current staffing configuration, when combined with security services provided by Securitas, provides effective and comprehensive security services for VTA at an acceptable cost. It should be noted that VTA reduced the number of Sheriff's Transit Patrol Division staff from a high of 31 in 2003

to 19 currently, and increased reliance on the lower-cost security services provided by Securitas. No additional reductions in Sheriff's Transit Patrol Division staff are recommended at this time.

The considerations supporting this recommendation include:

- The Sheriff's Office has provided dedicated transit related law enforcement services to VTA and has sufficient experienced staff to manage and supervise the law enforcement activities that occur on bus and light rail and at VTA's facilities.
- The Chief Operating Officer participates in the selection of personnel assigned to the Transit Patrol Unit. In addition, the Sheriff's Office has been able to attract and retain qualified personnel.
- The Sheriff's Office is dispatched through the Santa Clara County Communications Center, which operates on a 24-hour basis, and is the only agency within the County of Santa Clara that provides countywide law enforcement services.
- The Sheriff's Office personnel have arrest authority and have comprehensive knowledge in loss and crime prevention methods, law enforcement and patrol procedures, public and employee security and safety techniques, methods for safeguarding public and work site facilities, and asset protection.
- The Sheriff's Office acts as a liaison between VTA and other law enforcement agencies at local, regional, state and federal levels.

The current type of contract in which VTA pays for a specified number of personnel is cost effective when compared to law enforcement contracts executed between the Sheriff's Office and various cities in the county, the county Superior Courts, the county Parks and Recreation Department, and Stanford University (which are based on hours of service provided). There are several advantages to VTA's type of contract including:

- The Sheriff's Office is less likely to require overtime to fulfill its obligations at VTA;
- Deputies assigned to VTA are highly committed to Transit Patrol and, as a result, achieve a very low absenteeism rate;
- Deputies assigned to the Investigative Unit and the RST may be reassigned to cover for absent field deputies at regular rather than overtime pay;
- Deputies have the support of Non-VTA Sheriff's Deputies, who assist with VTA related incidents, as needed.

The proposed contract amount of \$19.1 million is based on salaries and fringe benefits, overhead and communications costs providing for five years of law enforcement services, as shown in Table 1.

Table 1
Santa Clara County Sheriff's Office Contract
Cost Projection Years 1 to 5 (7/1/07 to 6/30/12)

Contract Year	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Fiscal Year	FY2008	FY2009	FY2010	FY2011	FY2012	Total
Salaries & Benefits	2,902,049	3,018,131	3,138,856	3,264,410	3,394,987	15,718,433
Services & Supplies	276,304	281,830	287,467	293,216	299,080	1,437,897
Communications	232,688	237,342	242,089	246,930	251,869	1,210,918
Overhead	125,147	127,650	130,203	132,807	135,463	651,270
Total	3,536,188	3,664,953	3,798,615	3,937,363	4,081,399	19,018,518

The figures in Table 1 assume an annual increase of 4% in salaries and a 2% increase in non-labor items.

ALTERNATIVES:

As an alternative to the recommended action, the Board could direct staff to increase or decrease Sheriff's Office staffing; to reapportion staffing levels between the Sheriff's Office and Securitas; or to explore alternatives to contracting with the Sheriff's Office for law enforcement and investigative services.

A decision to defer action but retain the services of the Sheriff's Office will require Board authorization to extend the current contract on a month-to-month basis for up to six months (until a contract is executed), at a cost of approximately \$295,000 per month.

FISCAL IMPACT:

VTA budgets for law enforcement services in the VTA Transit Enterprise Operating Budget. The cost of law enforcement services is \$3,536,188 in Fiscal Year 2008 and \$3,664,953 in Fiscal Year 2009 and is included in the Recommended FY 2008-2009 Biennial Budget. Future expenditures will be proposed in the biennial budget process. The County of Santa Clara's Memorandum of Understanding with the Deputy Sheriffs' Association is due to expire later this year, and negotiated changes will impact VTA's budget if they exceed the assumed annual increase of 4% in salaries and 2% in non-labor items.

SBE PARTICIPATION:

No specific goal has been established for this contract because there were no identifiable subcontracting opportunities.

Prepared by: Steve Johnstone