



**SACRAMENTO REGIONAL TRANSIT DISTRICT
SB 1561 OVERSIGHT COMMITTEE MEETING
A G E N D A**

**Friday, May 15, 2009
9:00 A.M. – 11:00 A.M.
REGIONAL TRANSIT AUDITORIUM
1400 29TH STREET, SACRAMENTO
(29th Street Light Rail Station/Bus 30, 36, 38, 50E, 67, 68)**

ROLL CALL — Tim Brown, Linda Budge, Christina DeMoss-Giffin, Ryan Loofbourrow, Susan Stieber

BUSINESS

1. Motion: Approval of Action Summary – SB 1561 Oversight Committee Meeting of May 1, 2009
2. Information: Training Outline – Attachment A (Sakaue)
RTPS Crime Summary – Attachment B (Sakaue)
3. Information: Discussion of training curriculum (Sakaue)

PUBLIC ADDRESSES COMMITTEE ON MATTERS NOT ON THE AGENDA*

ADJOURN

***NOTICE TO THE PUBLIC**

Sacramento Regional Transit District encourages participation in the meetings of this Committee. At each open meeting, members of the public shall be provided with an opportunity to directly address the Committee on items of interest to the public that are within the subject matter jurisdiction of the Committee. Please fill out a speaker card and give it to the RT Staff if you wish to address the Committee.

This agenda may be amended up to 72 hours prior to the meeting being held. An agenda, in final form, is located by the front door of Regional Transit's building at 1400 – 29th Street.

Any person(s) requiring accessible formats of the agenda or assisted listening devices/sign language interpreters should contact the Senior Administrative Assistant of the Sacramento Regional Transit District at 916/556-0449 or TDD 916/483-4327 at least 72 business hours in advance of the Committee Meeting.

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on file with the Chief Operating Officer of the Sacramento Regional Transit District and are available for public inspection at 1400 29th Street, Sacramento, CA. Any person, who has questions concerning any agenda item, may call the Senior Administrative Assistant of the Sacramento Regional Transit District at 916/556-0449 to make inquiry.

**SACRAMENTO REGIONAL TRANSIT DISTRICT
SB 1561 OVERSIGHT COMMITTEE
MEETING MINUTES
May 1, 2009**

ROLL CALL: Roll Call was taken at 9:10 a.m.

PRESENT: Tim Brown, Linda Budge, Christina DeMoss-Giffin, Ryan Loofbourrow and Susan Stieber.

BUSINESS

1. Motion: Action Summary - SB 1561 Oversight Committee Meeting of May 1, 2009
2. Information: Training Matrix – Attachment A (Sakauye)
Training Outline – Attachment B (Sakauye)

Tim Brown provided two documents* to be placed into the record called: 1) Leadership Structure and Committees and 2) Policy Board to End Homelessness.

Mark Lonergan asked Tim Brown, Susan Stieber and Ryan Loofbourrow to obtain information on specific training and provide any necessary resources to be used for the Subcommittee discussion.

Linda Budge asked Police Services to provide a crime summary that categorizes the types of crimes, locations and frequency.

Christina DeMoss-Giffin requested that the Training Outline be developed into a training module so that it can be reviewed.

Linda Budge asked that the following documents be made available within the meeting binders at all times: 1) Bylaws 2) SRTD Administrative Rules 3) When Can We Exclude Per SB 1561 and 4) Public Utilities Code.

Ryan Loofbourrow asked Mark Sakauye to invite an individual familiar with verbal tactics training to attend the next scheduled meeting.

Susan Stieber requested that some of the verbiage within the Training Outline be adjusted.

3. Information: Discussion of training curriculum (Lonergan)

PUBLIC ADDRESSES COMMITTEE ON MATTERS NOT ON THE AGENDA

There were no members of the public present at the meeting.

ADJOURN

*Handout

As there was no further business to be conducted, the meeting was adjourned at 10:31 a.m.



Senate Bill 1561 Training DRAFT 05-11-09

PURPOSE (Lonergan, Sakauye)

The purpose of Senate Bill 1561 is to enhance safety and system security. This Bill allows Sacramento Regional Transit District and Fresno Area Express to exclude passengers from using transit for limited periods of time, depending on the nature and the frequency of offenses committed while on transit district property and for which they have been cited. This will not target or adversely impact any particular group of individuals.

The bill also provides for an appeals process should individuals who are transit-dependent be cited, and for training of transit personnel to recognize and facilitate the needs of those experiencing homelessness or who may have psychiatric disabilities. The bill outlines the composition and duties of an oversight committee to monitor the number of citations and exclusions issued by the transit district. This committee would also oversee the training of transit personnel in dealing with those passengers with special needs. If successful, RT will seek to strengthen the law and search for “best practices” nationwide.

HISTORY (Lonergan)

In recent years, the Sacramento Regional Transit (RT) Board of Directors and staff have received a number of complaints from riders regarding the safety of RT vehicles, parking lots and passenger waiting areas. In February 2007, Police Services’ Sergeants went on a site visit to Portland, Oregon’s Tri-Met. Officials at Tri-Met credited an increase in passenger satisfaction to the enactment of their “Exclusion Rule”. Out of this visit, the idea for Senate Bill 1561, modeled after the successful Tri-Met Program, was born. By excluding passengers cited or arrested for certain offenses, as outlined in the bill, RT seeks to reduce the number of passenger disruptions and improve overall service. To encourage ridership and to reduce emissions associated with daily commuting, potential passengers need to feel that RT is a safe alternative to driving. The amended language of this bill resulted from meetings of a task force whose membership included persons with experience in the areas of mental health, homelessness, public safety and transportation, as well as a review of current state and local laws pertaining to rail and bus transit.

LAW (Legal)

This bill would authorize the Sacramento Regional Transit District to issue a prohibition order to any person cited for committing one or more of certain prohibited acts and under various other circumstances under a trial period. The prohibition order would prohibit the person subject to the order from entering the property, facilities, or vehicles of the transit district for specified periods of time up to one year. There are limitations to this law.

What can be excluded per Senate Bill 1561 (effective 1/1/2009 thru 1/1/2012):

On at least three separate occasions within a period of 60 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or light rail station of the transit district for any act that is a violation of:

99170(a)(2) PUC - Interfere with the operator or operation of a transit vehicle, or impede the safe boarding or alighting of passengers.

99170(a)(5) PUC - Commit any act or engage in any behavior that may, with reasonable foresee ability, cause harm or injury to any person or property.

640(b)(6) PC - Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

640(b)(7) PC - Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a public transit facility or vehicle.

640(b)(8) PC - Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

640(b)(9)(A) PC - Willfully blocking the free movement of another person in a system facility or vehicle.

640.5(a)(1) PC - Any person who defaces with graffiti or other inscribed material the interior or exterior of the facilities or vehicles.

OR

The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

OR

The person is convicted of a violation of:

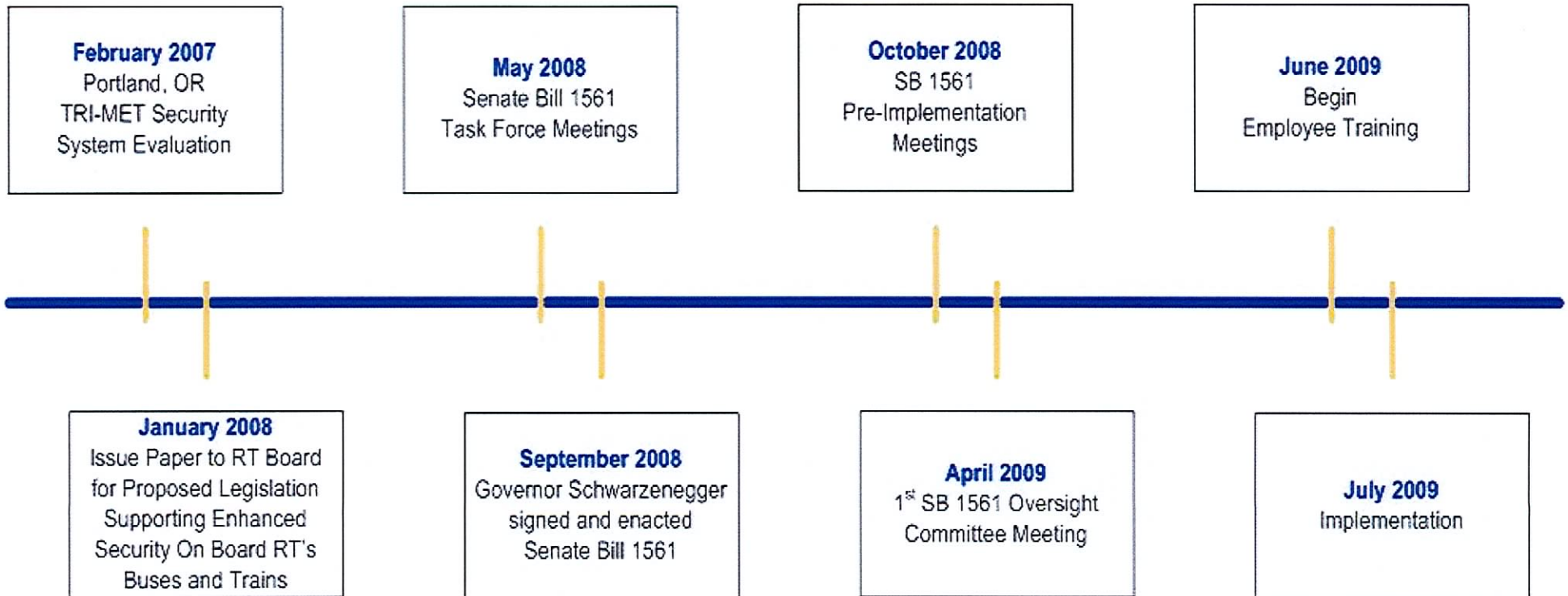
11532(a) H&S - It is unlawful for any person to loiter...intent to engage in drug-related activity.

OR

The person is convicted of a violation of:

653.22 PC - (a) It is unlawful for any person to loiter in any public place with the intent to commit prostitution.

IMPLEMENTATION TIMELINE (Sakauye)



COMMITTEE (Possible Committee Member or Lonergan)

Task:

The advisory committee shall be composed of at least five members appointed by the legislative body of the transit district. At least one of the members of the advisory committee shall have experience working with individuals with psychiatric, developmental, or other disabilities and at least one member shall be a youth advocate.

The advisory committee shall be tasked, at a minimum, with all of the following:

(1) Providing recommendations, in consultation with the county mental health director within the service area of the transit district, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with particular emphasis on training designed to assist those individuals in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities.

(2) Identifying, in consultation with the county mental health director within the service area of the transit district, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district enforcement personnel prior to or in conjunction with issuance of a prohibition order.

(3) Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code. (See Reference A)

(4) Providing the governing board of the transit district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

Committee Members:

Linda Budge, Council Member (Chair)

City of Rancho Cordova
2729 Prospect Park Drive, Suite 200
Rancho Cordova, CA 95670
Main (916) 851-8700
Direct (916) 853-7431
Fax (916) 851-8787
E-mail: lbudge@cityofranhocordova.org
Website: www.cityofranhocordova.org

Christina DeMoss-Giffin, Youth Resource Coordinator (Vice Chair)

City of Sacramento
City Manager's Office
Office of Youth Development
915 I Street, 5th Floor
Sacramento, CA 95814-2604
(916) 808-6111
Fax (916) 808-7618
E-mail: cdemoss@cityofsacramento.org
Website: <http://www.cityofsacramento.org/Youth-Development/director.cfm>

Tim Brown, Director

Sacramento Ending Chronic Homelessness Initiative
Community Services Planning Council
909 12th Street, Suite 200
Sacramento, CA 95814
(916) 447-7063 X 337
Fax (916) 447-7052
E-mail: tbrown@communitycouncil.org
Website: www.communitycouncil.org/homelessplan

Ryan Loofbourrow, Director of Community Services

Downtown Sacramento Partnership
980 9th Street, Suite 400
Sacramento, CA 95814
(916) 442-8575 ext. 214
Cell (916) 612-9305
Fax (916) 442-2053
E-mail: rloof@downtownsac.org
Website: www.downtownsac.org

Susan Stieber, LCSW, Director of Adult Mental Services

Turning Point Community Programs
4730 47th Avenue, Suite 300
Sacramento, CA 95824
(916) 768-7347 or (916) 393-1222
Fax (916) 391-6726
E-mail: susanstieber@tpcp.org

CITATION PROCESS (Voska, Carter)

The following individuals can write citations:

- Transportation Supervisors (Bus and Light Rail)
- Transit Officers
- Peace Officers

On the third separate occasion that an individual receives a qualifying citation (also known as Notice to Appear) within a period of 60 consecutive days, a prohibition order will be issued.

A prohibition order will be issued on the first occasion for qualifying arrests or convictions of misdemeanors and felonies, or convicted of 11532(a) H&S, or convicted for 653.22 PC –(a). See LAW portion above for more definition.

A copy of the Notice to Appear Citation and the Prohibition Order forms are attached.

 **SACRAMENTO REGIONAL TRANSIT DISTRICT**
Notice to Appear

| | | | | | |
|---|------|-----------------------------------|--|--------------------------------|---------|
| DATE 20 | | TIME (0000-2400) | NO. RT | | |
| NAME (First, Middle, Last) | | | | | |
| RESIDENCE ADDRESS | | | CITY | | |
| X-REF / OTHER ADDRESS | | | STATE | ZIP | |
| ETHNIC ORIGIN | | <input type="checkbox"/> BLACK | <input type="checkbox"/> ASIAN | <input type="checkbox"/> WHITE | PHONE # |
| | | <input type="checkbox"/> HISPANIC | <input type="checkbox"/> NATIVE AMERICAN | | |
| DRIVER'S LICENSE NO. | | STATE | SOCIAL SECURITY NO. | BIRTHDATE | |
| SEX M F | HAIR | EYES | HEIGHT | WEIGHT | AGE |
| <input type="checkbox"/> P.C. 640 (b)(1) FARE NONPAYMENT <input type="checkbox"/> OTHER VIOLATION <input type="checkbox"/> IF CHECKED, SEE REVERSE UNDER EXCLUSIONS | | | | | |

LOCATION OF OFFENSE(S) COMMITTED

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
 EXECUTED AT THE PLACE AND ON THE DATE SHOWN ABOVE. LD. NO.
 ISSUING OFFICER

NAME OF ARRESTING OFFICER IF DIFFERENT FROM ABOVE. LD. NO.

| | |
|--|------------------|
| WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR ON THE DATE AND AT THE PLACE INDICATED BELOW. SIGNATURE | RIGHT THUMBPRINT |
| <input type="checkbox"/> JUVENILE TRAFFIC COURT - TO BE NOTIFIED B.T. Collins Juvenile Center 9605 Keifer Blvd., Sacramento, CA 95827 (916) 876-7753 • 8:30 a.m. - 4:30 p.m. • Monday - Friday www.saccourt.ca.gov | |
| <input type="checkbox"/> SACRAMENTO MUNICIPAL COURT - DATE TO APPEAR Carol Miller Justice Center 301 Bicentennial Circle, Rm 100 • Sacramento, CA 95826 (916) 875-7800 • 8:30 a.m. - 4:30 p.m. • Monday - Friday www.saccourt.ca.gov | |

WHITE-COURT COPY, YELLOW-FILE COPY, PINK-DEFENDANT'S COPY

IMPORTANT Read Carefully

ADULTS ONLY

For any information regarding bail, contact the Court marked on the front of this citation.

If you fail to meet your obligation to the Court, a warrant may be issued for your arrest.

JUVENILES ONLY

You will be notified of a time and date to appear in court. If you have any questions, contact the Court at the address marked on the front of this citation.

If you fail to meet your obligation to the Court, a warrant may be issued for your arrest.

If you fail to meet your obligation to the Court, a Failure to Appear (FTA) may be placed on your California Driver License.

EXCLUSIONS

Citations based on a charge indicated may lead to the issuance of a prohibition order if you are cited on at least three (3) separate occasions, for one or more of these violations in a 60 day period. A person subject to a prohibition order may not enter or remain on any part of the RT Transit System during the period of exclusion. For more information, visit RT's Web site at www.sacrt.com.



 SACRAMENTO REGIONAL TRANSIT DISTRICT
Notice of Prohibition Order

| | | |
|--|------------------|-------------------------------|
| DATE | TIME (0000-2400) | NO. |
| 20 | | RTPO |
| NAME (First, Middle, Last) | | |
| RESIDENCE ADDRESS | | CITY |
| X-REF / OTHER ADDRESS | | STATE ZIP |
| ETHNIC ORIGIN | | PHONE # |
| <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> WHITE <input type="checkbox"/> HISPANIC <input type="checkbox"/> NATIVE AMERICAN | | |
| DRIVER'S LICENSE NO. | STATE | SOCIAL SECURITY NO. BIRTHDATE |
| SEX | HAIR | EYES HEIGHT WEIGHT AGE |
| M F | | |

- P.U.C. 99171(a)(1)(A)
 - P.U.C. 99171(a)(1)(B)
 - P.U.C. 99171(a)(1)(C)
 - BASED ON AN ARREST OR CONVICTION OF A MISDEMEANOR
 - BASED ON AN ARREST OR CONVICTION OF A FELONY
- EXCLUSION OF _____ DAYS,
FROM _____ TO _____

IF YOU REMAIN UPON THE RT TRANSIT SYSTEM IN VIOLATION OF THE TERMS OF AN EXCLUSION ORDER, YOU MAY BE ARRESTED AND SUBJECT TO CRIMINAL PROSECUTION.

Issuing Persons Declaration (Facts Supporting the Notice of Prohibition):

I, _____, declare as follows:

I certify under penalty of perjury that the foregoing is true and correct.

Executed _____ 20 _____
DATE YEAR

NAME OF ISSUING OFFICER

WHITE-ADMINISTRATIVE COPY, YELLOW-FILE COPY, PINK-DEFENDANT'S COPY

REV. 4/2009 SACRAMENTO REGIONAL TRANSIT DISTRICT

IMPORTANT Read Carefully

RT's Administrative Rules and Procedures are available online at RT's Web site at www.sacrt.com or at RT's offices located at 1400 29th Street, Sacramento, California.

Initial Review of this Prohibition Order

You are entitled to request an informal review of this Prohibition Order by RT's Exclusion Administrator. An initial review must be requested no later than 5 p.m. on the tenth (10) day after the Notice of Prohibition Order was personally served. This request may be made by telephone, in writing or in person by contacting the Exclusion Administrator at: 1400 29th Street, Sacramento, CA 95816, or by calling (916) 556-0165.

The Exclusion Administrator will issue a decision to uphold, modify or cancel the Prohibition Order. See RT's Administrative Rules and Procedures for additional information.

Right to an Appeal Hearing Following the Initial Review

You are entitled to appeal the decision of the Exclusion Administrator to a Hearing Officer. Any individual who has received a Notice of Prohibition Order following an initial review, must contact the Exclusion Administrator by 5 p.m. no later than the tenth (10) calendar day following service of the Exclusion Administrator's decision in order to request a hearing before a Hearing Officer. The request may be made by telephone, in writing or in person by contacting the Exclusion Administrator at: 1400 29th Street, Sacramento, CA 95816 or by calling (916) 556-0165.

You will be contacted by the Hearing Officer to schedule a hearing which may be conducted by mail or in person. The decision of the Hearing Officer shall be issued five (5) days following the hearing. All decisions issued by the Hearing Officer shall be subject to judicial review by the Sacramento Superior Court as provided by Code of Civil Procedure section 1094.6, if filed within 90 days of the personal service of the Hearing Officer's decision.



TRACKING AND DOCUMENTATION (Carter, DeMello)

1. Qualifying citation and arrest information are entered into a tracking database.
2. From the citation database, a weekly report is created that lists individuals with two or more qualifying citations within a period of 60 consecutive days.
3. Notification will be given to departments that cite (Transportation, Light Rail and Police Services), of individuals that have two or more qualifying citations.

APPEAL PROCESS (Legal, McKinney, Bevins)

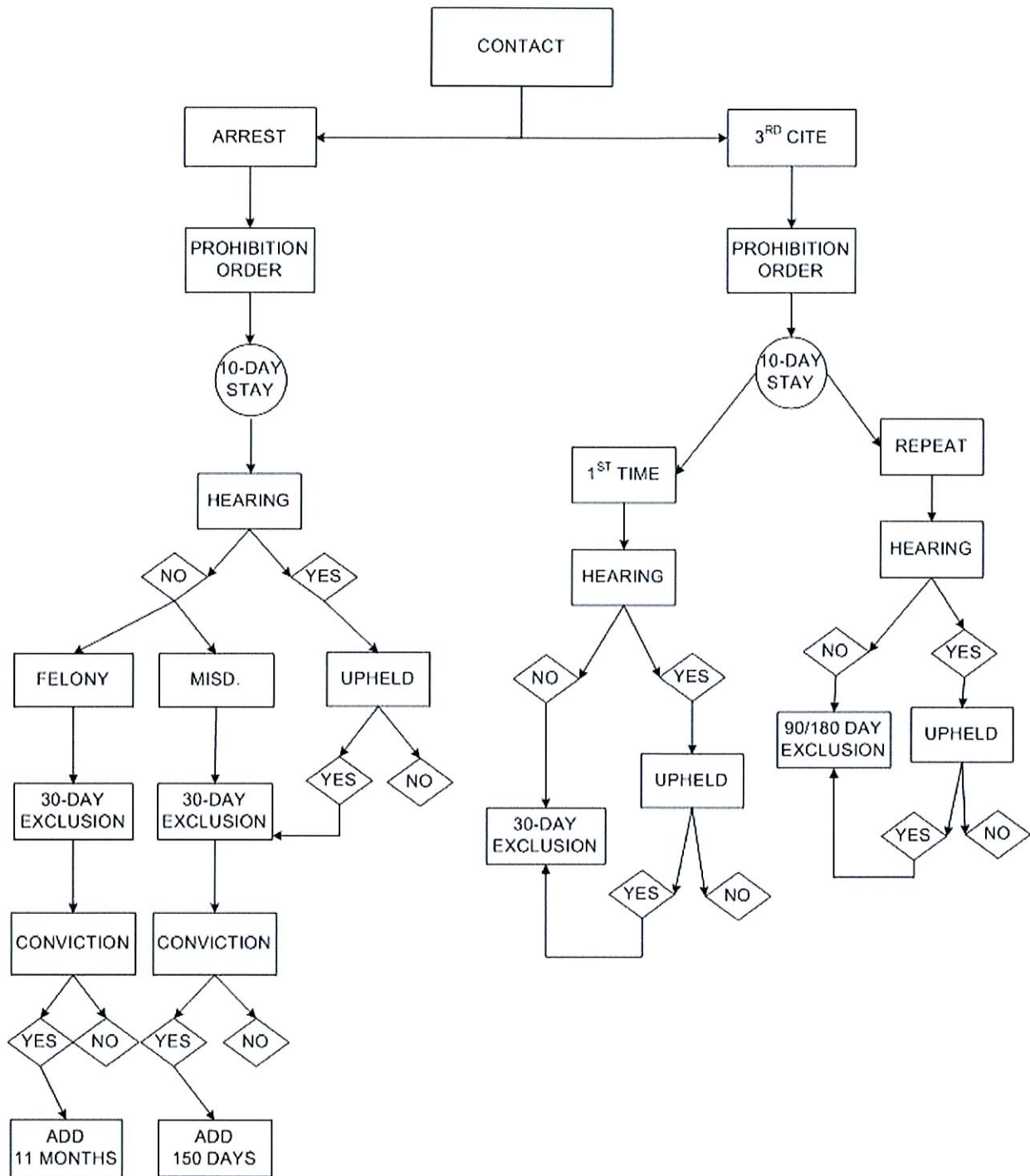
Attendance Control Supervisors Glenda McKinney and Sue Bevins have been designated as RT Hearing Officers or Exclusion Administrators to review Exclusion Appeals. Every Prohibition Order issued by an exclusion officer shall be subject to the review of an RT Exclusion Administrator. An Exclusion Administrator shall review each Notice of Prohibition Order to determine whether:

- (a) the Notice of Prohibition Order is filled out completely and in a manner that permits a determination of validity;
- (b) whether the Notice of Prohibition Order conforms to these Rules,
- (c) whether the sufficiency of the narrative support submitted by the issuing officer warrants further review, and
- (d) whether the exclusion has been issued to a person not eligible for a complete exclusion under the circumstance(s).

Every person issued a Notice of Prohibition Order is entitled to a hearing as a matter of right. The purpose of the hearing is:

- (a) to review and determine whether the evidentiary basis for issuance of the prohibition order is sufficient as a matter of law;
- (b) to determine whether the length and scope of the exclusion is commensurate with the nature of the violation;
- (c) to render a finding on whether it is more probable than not that the individual engaged in conduct justifying the exclusion;
- (d) consider any mitigating and aggravating factors relevant to the scope and length of the exclusion;
- (e) and issue a final decision to sustain, modify, or set aside a Notice of Prohibition Order. All persons receiving a prohibition order shall receive notice of their right to a hearing on the Notice of Prohibition Order.

SB 1561 Flowchart



REPORT BACK TO THE BOARD AND LEGISLATURE (Committee Member, Lonergan)

Provide the governing board of RT and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of qualifying citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

HOMELESS AND MENTALLY ILL (To Be Determined)

Direction/Input needed from Committee Members.

YOUTH (To Be Determined)

Direction/Input needed from Committee Members.

EXPECTATIONS

- To understand spirit of the law vs. letter of law.
- RT's goal is to enhance system security.
- This bill only provides for a 3 year trial period.
- Positive report backs.
- Opportunity for change.

POLICE SERVICES UPDATE

California Civil Code Section 51

- (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.
- (b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.
- (c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.
- (d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.
- (e) For purposes of this section:
 - (1) "Disability" means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.
 - (2) "Medical condition" has the same meaning as defined in subdivision (h) of Section 12926 of the Government Code.
 - (3) "Religion" includes all aspects of religious belief, observance, and practice.
 - (4) "Sex" has the same meaning as defined in subdivision (p) of Section 12926 of the Government Code.
 - (5) "Sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation" includes a perception that the person has any particular characteristic or characteristics within the listed categories or that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics within the listed categories.
 - (6) "Sexual orientation" has the same meaning as defined in subdivision (q) of Section 12926 of the Government Code.
- (f) A violation of the right of any individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.



RTPS Crime Summary January--December 2008

REPORT SUMMARY

| | |
|-----------------------------------|-------------|
| □ Total Reports | 1006 |
| Total Crime Reports | 597 |
| Total Felony Reports | 331 |
| Total Misdemeanor Reports | 265 |
| Total Infraction Reports | <u>1</u> |
| | 597 |
| □ Total Warrant Arrest Reports | 269 |
| □ Total Incident/Casualty Reports | <u>140</u> |
| | 1006 |

175 Fresh Felony Arrests. 203 Fresh Misdemeanor Arrests for 2008

REPORT BREAKDOWN BY TRANSPORTATION MODE/LINE

| | |
|---------------|-------------------|
| □ Bus | 44 |
| □ Light Rail | 954 |
| North Line | 233 (24%)* |
| CBD | 303 (32%)* |
| Folsom Line | 171 (18%)* |
| South Line | <u>247 (26%)*</u> |
| | 954 |
| □ Other | <u>8</u> |
| Total Reports | 1006 |

37% of all Felony Reports in 2008 were Officer Initiated.
58% Of All Misdemeanor Reports in 2008 Were Officer Initiated.
*Percent of Total Reports

Crime Report Breakdown by Time/Day

