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METRO SECURITY POLICE

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HEARING

BEFORE THE

COMMITTEE ON THE DISTRICT OF COLUMBIA UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

H.R. 8719

TO PROVIDE FOR AN AMENDMENT TO THE WASHINGTON
METROPOLITAN AREA TRANSIT REGULATION COMPACT
TO PROVIDE FOR THE PROTECTION OF THE PATRONS,
PERSONNEL, AND PROPERTY OF THE WASHINGTON
METROPOLITAN AREA TRANSIT AUTHORITY

APRIL 1, 1976

Printed for the use of the
Committee on the District of Columbia



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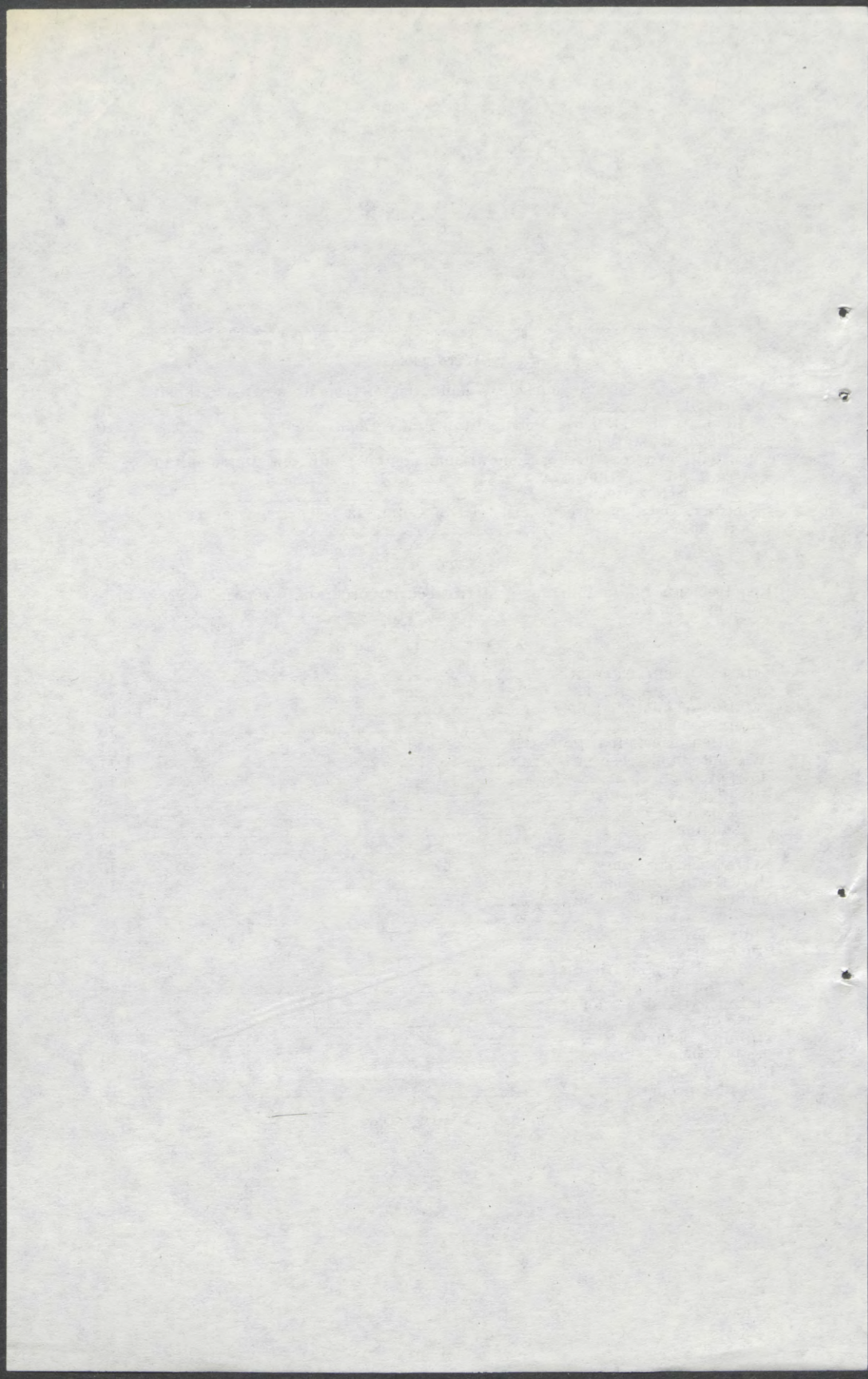
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METRO SECURITY POLICE

THURSDAY, APRIL 1, 1976

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m., in room 6222 Dirksen Senate Office Building, Senator Thomas F. Eagleton, chairman, presiding.

Member present: Senator Eagleton.

Also present: Robert Harris, staff director and general counsel; and Colbert I. King, minority staff director.

The CHAIRMAN. Good morning ladies and gentlemen. The Senate District of Columbia Committee is in session to consider H.R. 8719, a bill that amends the Washington metropolitan area transit regulation compact in order to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority. The States of Maryland and Virginia have already adopted the amendment and the House of Representatives has passed the bill.

This Act has a twofold purpose: The establishment of a Metro Transit Police Force; and the delineation of the authority of that force. Because the rapid transit system will pass through many jurisdictions, it is important that the relationship between the new Metro police and local police forces be defined. This is especially necessary in any situation in which a member of the Metro police must engage in hot pursuit of anyone who has committed a misdemeanor or felony on transit property or in the event a public disturbance spills into the facilities of the Transit Authority. Before the rapid transit system extends across State lines next year, I would expect that all jurisdictional problems yet lingering would be thoroughly discussed and ironed out.

The bill does specifically state that the Metro police may make arrests anywhere in the transit zone for violations committed upon, to, or against transit facilities while in hot or close pursuit and the Metro police are to have the power, except in the State of Maryland, to serve subpoenas within the transit zone.

In addition, this bill stipulates that the Metro police will have concurrent jurisdiction in the performance of their duties with the law enforcement groups within the various States and localities, but the establishment of this new force in no way will supersede or interfere with the local police on public safety groups.

Even though I am reluctant to agree to create yet another police force in the metropolitan area, I am cognizant that the eventual interstate nature of the transit zone might require a police force that can

deal with the special problems which are unique to transit facilities and that is specially trained to cope with the special problems which may arise on Metro property anywhere in the greater Washington area.

I now place in the record a copy of H.R. 8719, the bill under consideration today.

[The bill follows:]

94TH CONGRESS
1ST SESSION

H. R. 8719

IN THE SENATE OF THE UNITED STATES

JULY 29, 1975

Read twice and referred to the Committee on the District of Columbia

AN ACT

To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That the Congress hereby consents to, and adopts and enacts
 4 for the District of Columbia, amendments to articles I and
 5 XVI of title III of the Washington Metropolitan Area
 6 Transit Regulation Compact (D.C. Code, sec. 1-1431 note)
 7 as follows, which amendments have been adopted substan-
 8 tially by the Commonwealth of Virginia and the State of
 9 Maryland:

1 (1) Section 1 (g) of article I is amended by striking
2 “and” at the end thereof.

3 (2) Section 1 (h) of article I is amended to read as
4 follows:

5 “(h) ‘Transit Zone’ or ‘Zone’ means the Washington
6 Metropolitan Area Transit Zone created by and described in
7 section 3, as well as any additional area that may be added
8 pursuant to section 83 (a) ; and”.

9 (3) Section 1 of article I is amended by adding at the
10 end thereof the following:

11 “(i) ‘WMATC’ means Washington Metropolitan Area
12 Transit Commission.”.

13 (4) Section 76 of article XVI is amended to read as
14 follows:

15 “76. (a) The Authority is authorized to establish and
16 maintain a regular police force, to be known as the Metro
17 Transit Police, to provide protection for its patrons, per-
18 sonnel, and transit facilities. The Metro Transit Police
19 shall have the powers and duties and shall be subject to the
20 limitations set forth in this section. It shall be composed
21 of both uniformed and plainclothes personnel and shall
22 be charged with the duty of enforcing the laws of the signa-
23 tories, the laws, ordinances, and regulations of the polit-
24 ical subdivisions thereof in the Transit Zone, and the
25 rules and regulations of the Authority. The jurisdiction of

1 the Metro Transit Police shall be limited to all the transit
2 facilities owned, controlled, or operated by the Authority,
3 but this shall not limit the power of the Metro Transit Police
4 to make arrests in the Transit Zone for violations com-
5 mitted upon, to, or against such transit facilities committed
6 from within or outside such transit facilities while in hot
7 or close pursuit, or to execute traffic citations and criminal
8 process in accordance with subsection (c). The members
9 of the Metro Transit Police shall have concurrent juris-
10 diction in the performance of their duties with the duly
11 constituted law enforcement agencies of the signatories and
12 of the political subdivisions thereof in which any transit
13 facility of the Authority is located or in which the Authority
14 operates any transit service. Nothing contained in this sec-
15 tion shall either relieve any signatory or political sub-
16 division or agency thereof from its duty to provide police,
17 fire, and other public safety service and protection, or limit,
18 restrict, or interfere with the jurisdiction of or the perform-
19 ance of duties by the existing police, fire, and other public
20 safety agencies.

21 “(b) Except as otherwise provided in this section, a
22 member of the Metro Transit Police shall have the same
23 powers, including the power of arrest, and shall be subject
24 to the same limitations, including regulatory limitations, in
25 the performance of his duties as a member of the duly con-

1 stituted police force of the political subdivision in which the
2 Metro Transit Police member is engaged in the performance
3 of his duties. However, a member of the Metro Transit
4 Police is authorized to carry and use only such weapons, in-
5 cluding handguns, as are issued by the Authority, and only
6 in the performance of his duties or while on the transit
7 facilities owned, controlled, or operated by the Authority in
8 direct transit to and from a duty assignment. A member of
9 the Metro Transit Police is authorized to carry such weapons
10 only while in direct transit to and from a duty assignment
11 and is subject to such additional limitations in the use of
12 weapons as are imposed on the duly constituted police force
13 for the political subdivision in which he is engaged in the
14 performance of his duties.

15 “(c) Members of the Metro Transit Police shall have
16 power to execute on the transit facilities owned, controlled,
17 or operated by the Authority any traffic citation or any
18 criminal process issued by any court of any signatory or of
19 any political subdivision of a signatory, for any felony,
20 misdemeanor, or other offense against the laws, ordinances,
21 rules, or regulations specified in subsection (a). However,
22 with respect to offenses committed upon, to, or against
23 the transit facilities owned, controlled, or operated by the
24 Authority, the Metro Transit Police shall have power;

1 except in the State of Maryland, to execute criminal process
2 within the Transit Zone.

3 “(d) Upon the apprehension or arrest of any person
4 by a member of the Metro Transit Police pursuant to the
5 provisions of subsection (b), the officer, as required by the
6 law of the place of apprehension or arrest, shall either issue
7 a summons or a citation against the person, book the person,
8 or deliver the person to the duly constituted police or judicial
9 officer of the signatory or political subdivision where the
10 apprehension or arrest is made, for disposition as required
11 by law.

12 “(e) The Authority shall have the power to adopt
13 rules and regulations for the safe, convenient, and orderly use
14 of the transit facilities owned, controlled, or operated by the
15 Authority, including the payment and the manner of the pay-
16 ment of fares or charges therefor, the protection of the transit
17 facilities, the control of traffic and parking upon the transit
18 facilities, and the safety and protection of the riding public.
19 In the event that any such rules and regulations contravene
20 the laws, ordinances, rules, or regulations of a signatory
21 or any political subdivision thereof which are existing or
22 subsequently enacted, these laws, ordinances, rules, or
23 regulations of the signatory or the political subdivision shall
24 apply and the conflicting rule or regulation, or portion there-

1 of, of the Authority shall be void within the jurisdiction of
2 that signatory or political subdivision. In all other respects
3 the rules and regulations of the Authority shall be uniform
4 throughout the Transit Zone. The rules and regulations
5 established under this subsection shall be adopted and pub-
6 lished in accordance with all standards of due process,
7 including, but not limited to, the publishing or otherwise
8 circulating of a notice of the intended action of the Authority
9 and the affording to interested persons the opportunity to
10 submit data or views orally or in writing, and the holding
11 of a public hearing. Any person violating any rule or
12 regulation of the Authority shall, upon conviction by a
13 court of competent jurisdiction, pay a fine of not more than
14 \$250 and costs.

15 “(f) With respect to members of the Metro Transit
16 Police, the Authority shall—

17 “(1) establish classifications based on the nature
18 and scope of duties, and fix and provide for their qualifi-
19 cation, appointment, removal, tenure, term, compensa-
20 tion, pension, and retirement benefits;

21 “(2) provide for their training and for this pur-
22 pose, the Authority may enter into contracts or agree-
23 ments with any public or private organization engaged
24 in police training, and this training and the qualifications
25 of the uniformed and plainclothes personnel shall at least

1 equal the requirements of each signatory and of the po-
2 litical subdivisions therein in the Transit Zone for their
3 personnel performing comparable duties; and

4 “(3) prescribe distinctive uniforms to be worn.

5 “(g) The Authority shall have the power to enter into
6 agreements with the signatories, the political subdivisions
7 thereof in the Transit Zone, and public safety agencies lo-
8 cated therein, including those of the Federal Government,
9 for the delineation of the functions and responsibilities of
10 the Metro Transit Police and the duly constituted police,
11 fire, and other public safety agencies, and for mutual as-
12 sistance.

13 “(h) Before entering upon the duties of office, each
14 member of the Metro Transit Police shall take or subscribe to
15 an oath or affirmation, before a person authorized to admin-
16 ister oaths, faithfully to perform the duties of that office.”.

17 SEC. 2. The Mayor of the District of Columbia is au-
18 thorized and directed to enter into and execute on behalf
19 of the District of Columbia amendments, substantially as
20 set forth in the first section of this Act, to title III of the
21 Washington Metropolitan Area Transit Regulation Compact
22 with the State of Maryland and the Commonwealth of
23 Virginia, which amendments shall become effective imme-
24 diately upon execution of same.

SEC. 3. (a) Subchapter II of chapter 9 of title 11 of

1 the District of Columbia Code is amended by adding at the
2 end thereof the following new section:

3 **“§ 11-924. Jurisdiction with respect to violations of the**
4 **Rules and Regulations of the Washington**
5 **Metropolitan Area Transit Authority**

6 “The Superior Court has jurisdiction with respect to
7 any violation, committed in the District of Columbia, of the
8 rules and regulations adopted by the Washington Metro-
9 politan Area Transit Authority under section 76 (e) of title
10 III of the Washington Metropolitan Area Transit Regulation
11 Compact.”.

12 (b) The chapter analysis for such chapter 9 is amended
13 by inserting immediately after the item relating to section
14 11-923 the following new item:

“11-924. Jurisdiction with Respect to Violations of the Rules and Regu-
lations of the Washington Metropolitan Area Transit
Authority.”.

15 SEC. 4. Notwithstanding any other provision of this
16 Act or of any other law, the Council of the District of Co-
17 lumbia shall have authority to enact any act adopting on

1 behalf of the District of Columbia amendments to the Wash-
 2 ington Metropolitan Area Transit Regulation Compact.

3 SEC. 5. The right of Congress to alter, amend, or repeal
 4 this Act is hereby expressly reserved.

Passed the House of Representatives July 28, 1975.

Attest:

W. PAT JENNINGS,

Clerk.

The CHAIRMAN. We will proceed now with the witnesses. Mr. Warren Quenstedt, acting general manager, Washington Metropolitan Area Transit Authority and Mr. Maurice Cullinane, Chief, Metropolitan Police Department accompanied by Mr. Douglas Schneider, director, D.C. Department of Transportation.

Do you want to testify separately or as a group to expedite it, whichever way you would like is fine. Would everyone please come forward to make it more friendly.

Mr. Quenstedt, how many people do you have with you?

Mr. QUENSTEDT. If I may, I would like to introduce Mr. Jerome Alper, special counsel, for WMATA and Mr. Angus MacLean who is director of our security activities.

The CHAIRMAN. We welcome you all.

Mr. QUENSTEDT. Also Mr. Robinson, at the end of the table, representing the Council for the city.

STATEMENTS OF WARREN QUENSTEDT, ACTING GENERAL MANAGER; ACCOMPANIED BY JEROME ALPER, SPECIAL COUNSEL AND ANGUS MacLEAN, DIRECTOR OF SECURITY ACTIVITIES, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY; AND MAURICE CULLINANE, CHIEF, METROPOLITAN POLICE DEPARTMENT; ACCOMPANIED BY DOUGLAS SCHNEIDER, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

Mr. QUENSTEDT. We appreciate this opportunity to be here today, Senator, to discuss this legislation to amend the Washington Metropolitan Area Transit Authority Compact. This amendment has been passed by the Maryland and Virginia legislatures and the House of Representatives and is currently in your committee. It would permit the Authority to maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and transit facilities.

METRO SECURITY STUDY

In an effort to determine what type of security system would best meet the requirements of a metropolitan rapid transit system,

WMATA retained a consulting firm, Arthur Young & Co., to study Metro's security needs. The consulting firm reviewed security provisions of other transit systems and the special needs of WMATA's tri-jurisdictional system. The comprehensive final report, completed in December 1972¹ indicated, among other things, that watchmen, guards, and investigators, or any other system of special police, would not suffice to make Metro safe and secure for citizens of the region, particularly because of the multiplicity of inconsistent statutes and ordinances governing special police in the various jurisdictions. The report recommended a regular interjurisdictional Metro Transit Police Force to work in cooperation with local police in order to provide maximum protection and security for passengers, employees, and property. A centralized, Metro-controlled police force was found to be essential to provide a consistent level of security throughout the transit zone. Systemwide responsibility and a dedicated force responsive to Metro's special needs obviously provide the flexibility and uniformity necessary in a trijurisdictional system. Finally, the manpower requirements and associated cost projections indicated that a Metro-controlled police force would result in less burden on the affected jurisdictions.

JOINT POLICING CONCEPT

The joint policing concept advocated by Metro in the proposed legislation provides for concurrent jurisdiction of Metro and local police on all transit facilities. However, primary law enforcement responsibility for the trains and the tunnels will rest with the Metro Police while the local authorities will retain primary responsibility for stations and parking lots.

The bill, amends section 76 of article XVI to establish and maintain a regular Metro Transit Police Force, to provide for mutual aid agreements between WMATA and the various transit zone jurisdictions and to adopt uniform rules and regulations for the transit zone.

JURISDICTION

The jurisdiction of the Metro Transit Police is limited to transit facilities, except that Metro Police can make arrests anywhere in the transit zone for violations committed upon, to, or against transit facilities while in hot or close pursuit. Members of the Metro Transit Police will enforce the laws of the signatory jurisdictions; the laws, ordinances, and regulations of the political subdivisions within the transit zone; and rules and regulations of the Authority.

POLICE POWERS

The powers of the Metro Transit Police are identical to those of the duly constituted police force of the jurisdiction in which the Metro Transit Police is on duty. However, a Metro Transit Police member may carry and use a weapon only in the performance of his duties or while on transit facilities in direct transit to and from a duty assignment.

¹ See appendix.

Members of the Metro Transit Police also have power to serve process on transit facilities and may serve process off transit facilities, except in the State of Maryland. Prosecution of offenders will be accomplished by issuing a summons or citation, or by booking or delivering the alleged offender to a duly constituted police or judicial officer of the jurisdiction in which the arrest is made.

The bill grants WMATA the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit system facilities, including payment of fares, protection and safety of persons and property, and the control of traffic and parking. If any of these rules or regulations conflict with laws, ordinances, or regulations of a signatory or political subdivision, the WMATA regulation will be void within such jurisdiction. The rules and regulations will be adopted in accordance with due process. Violations of WMATA rules and regulations will be punishable, after conviction, by a fine of not more than \$250 and costs.

QUALIFICATIONS AND TRAINING

In addition, the bill provides for the appointment, compensation, qualifications, and training of the Metro Transit Police. Qualification and training will, at a minimum, equal the requirements of each signatory jurisdiction and the political subdivisions thereof for personnel performing comparable duties.

MUTUAL AID AGREEMENTS

Finally, the bill empowers WMATA to enter into mutual aid agreements with signatories and political subdivisions and for agreements as to delineation of functions and responsibilities among Metro Transit Police, fire, and public safety agencies.

Mr. Chairman, the rapid rail system opened for passenger service Monday of this week. Public response has exceeded our expectations and, we believe, will continue to do so. I know that you share our belief that public safety and security is one of our most important responsibilities, I therefore repeat our request that this compact amendment be approved by your committee and the Senate.

Thank you very much for permitting us to appear before you today.

The CHAIRMAN. Thank you.

We have a memo dated February 13, 1976, subject: Metro Transit Police operations, with a two-page cover letter, and then attached to that, I take it that it is about 12 pages roughly of different types of crimes and then some discussion of what would be the scope of the Metro Police authority. I will just read some of this in the record.

I will not read the text, but just the topics: Arrest in Federal office buildings, arrest in public school buildings; arson, assault, auto theft, burglary, disorderly conduct, destruction of property, homicides, illnesses—I do not know how illness and injuries are a crime topic—juvenile, larceny, narcotics, and so forth. I very frankly have not read this whole memorandum which I probably should have. Let me discuss with all of you gentlemen and anyone who wants to answer the question, feel free to do so.

SCOPE OF ARREST AUTHORITY

I want to get for the record what is the scope of the arrest authority of Metro policemen. So let me do it by examples.

Let us take an underground terminal: What is spelled out in the bill insofar as statutory arrest authority for the Metro Police?

Mr. ALPER. I can answer that. Section 76a spells out largely the police power. Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be proposed for plainclothesmen and uniformed personnel and shall be charged with the duty of enforcing the laws of the signatory; the laws, ordinances, and regulations of the political subdivisions thereof in this transit zone; and the rules and regulations of the authority. The jurisdiction of the Metro Transit Police shall be limited to all the transit facilities owned, controlled, or operated by the authority but they shall not limit the power of the Metro Transit Police to make arrests in the transit zone for violations committed upon, to, or against such transit facilities committed from within or outside such transit facilities while in hot or close pursuit or to execute traffic citations and criminal process in accordance with subsection C. I believe that while there is more to paragraph A, I think that spells out affirmatively the powers of the Metro Transit Police Force.

One paragraph further it goes on to establish that the powers of the Metro Transit Police Force are concurrent with the powers of the existing police forces in these existing political subdivisions and does not in anyway detract or limit the power of those police.

TRANSIT ZONE

The CHAIRMAN. I direct your attention to page 2 of the bill, line 5, "Transit Zone or Zone means the Washington Metropolitan Area Transit Zone created by and described in section 3, as well as any additional area that may be added pursuant to section 83(a)."

Mr. MACLEAN. That is section 3 of the compact, no it is not of the bill, it is of the compact.

The CHAIRMAN. Section 3?

Mr. MACLEAN. Section 3 of the compact lists geographically the area that composes the transit zone. This amendment that you read was put in, I think by the Maryland Legislature, simply to refer to the word "transit zone." Under the compact section 3 of article 2 said "There is hereby created the Washington Metropolitan Area Transit Zone which shall embrace the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax and the Counties of Arlington and Fairfax; and the political subdivisions of the Commonwealth of Virginia located within those counties; and the Counties of Montgomery and Prince Georges and the State of Maryland and the political subdivisions in the State of Maryland located in the same counties." So it is Montgomery, Prince Georges, Fairfax, Arlington, et cetera.

The CHAIRMAN. Does this mean all of Montgomery, all of Prince Georges, all of Fairfax, or is there some limited area within 100 yards of an exit place?

Mr. MACLEAN. No such limitation, Senator. It is a full geographical scope of these political subdivisions.

PROPER ARREST

The CHAIRMAN. Let's take a hypothetical case. Let us assume that a Metro policeman in a certain station sees someone snatch a purse from a lady. He chases after this offender, chases him up the stairs or the escalator, whatever it is, sees him get in a car, and gets the license plate of the car. Let us say this subway stop is in Montgomery County. He sees a Montgomery County police car coming by. He stops the car and says give me a ride. We have got to chase the car with the purse snatcher. They engage in hot pursuit and about 10 miles later somewhere else in Montgomery County the police car pulls the car over.

Now, does the Metro policeman have authority under these circumstances to make an arrest?

Mr. ALPER. I can answer that but I think it would be much better to have that answered by Mr. MacLean.

Mr. MACLEAN. The circumstances you describe—he legally could make a proper arrest.

The CHAIRMAN. What about for an offense not committed in his presence. Take the same hypothetical, change the facts a little bit. Let us suppose he does not see the purse snatcher, but a lady comes running up to the officer and says, "There is a guy going up the stairs and he has my purse." He didn't see this offense but the chase goes on from there.

Mr. MACLEAN. Normally, if he did not see that crime committed he would no doubt tell the local officer or his dispatcher who has a direct hot line to the Montgomery County dispatcher.

The CHAIRMAN. I read something in the bill, the distinction made between offenses committed in the presence of the officer versus offenses not committed in his presence. Is that in this memo here?

On my second hypothetical: Was this assault with attempt to rob a felony? I don't know what it is around here. Physically he shoved the lady, grabbed her purse—surely it is assault with attempt to rob.

You say that even in hot pursuit he has no arrest authority for a felony?

Mr. MACLEAN. If it were a felony, sir, he would have the authority, even if not committed in his presence. If not committed in his presence, he has reasonable cause.

The CHAIRMAN. He has reasonable cause?

Mr. MACLEAN. Yes.

The CHAIRMAN. What about a youngster who has a can of paint and the youngster starts painting something or other. Again, two hypotheticals. First the police officer sees him doing that. In Missouri that would be called something like destruction of public property. It would be a misdemeanor.

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. He sees the youngster do that again and he chases. He ends up 10 miles later. Can the Metro policeman arrest a misdemeanor committed in his presence?

Mr. MACLEAN. He can, sir.

The CHAIRMAN. The next hypothetical. A lady runs up to him again and tells him I saw this kid painting the signs and he just ran up the stairs. Can he arrest him?

Mr. MACLEAN. No; he cannot.

The CHAIRMAN. That last hypothetical, where he is riding in a Montgomery police car, sheriff's car, whatever, we can arrest that kid? The Montgomery County policeman did not see him commit it.

Mr. MACLEAN. He should not even chase him. He did not see him commit it. He gets a description and takes it from there to see if he can identify who the child is.

The CHAIRMAN. Let us say the lady says, "I just saw this kid paint on the wall." The Metro policeman didn't see him actually paint. He just sees him as he is running down the stairs.

Mr. MACLEAN. He can try to catch him but as far as hot pursuit in the automobile—chasing the youngster with a can of paint—

HOT PURSUIT

The CHAIRMAN. Is there a distinction between hot pursuit on foot in chasing this kid up the stairs versus hot pursuit in a conveyance?

Mr. MACLEAN. Not legally as long as you try to keep the subject in view. There is no legal distinction to my knowledge. It is a matter of judgment. For instance chasing the child in an automobile and the speed gets excessive—what do you do. Just with spray paint on the wall it is not worth the chance of having an automobile accident.

ENFORCING LAWS

The CHAIRMAN. Mr. MacLean, you are talking about some of these matters that I am hypothesizing. Are they specifically spelled out in the statute. We are going through this by example. Is there any distinction in the statute between misdemeanors committed in the presence of an officer versus misdemeanors committed not in his presence?

Mr. MACLEAN. That is where we have to enforce the law at the local jurisdiction. I don't believe it is ever covered in the bill.

The CHAIRMAN. Look through the bill, H.R. 8719. Find out where, if anywhere, in that bill a distinction is made, first of all, between felonies versus misdemeanors. When we get to misdemeanors—misdemeanors committed in the presence of the officer and misdemeanors committed not in his presence.

Mr. ALPER. Senator, the nature of the bill is such that it does not attempt—criminal law under these jurisdictions the bill creates a police force for the tristate area and is given the powers of the police in the jurisdiction in which the Metro Police operate. Therefore the question you asked is a matter of State law.

The CHAIRMAN. Where in this bill does it say that?

Mr. ALPER. I think it is covered very well in the part that I read section 76(a).

The CHAIRMAN. Let me read that again.

Mr. ALPER. Section 76(a), let us turn our attention to the sentence beginning on line 20: "It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories."

The CHAIRMAN. Now, the Compact: Has Maryland already voted it to go in?

Mr. ALPER. Maryland and Virginia have both.

The CHAIRMAN. The Maryland laws: Do they delegate to Metro the duties or the privilege of enforcing Maryland State laws? I am talking of within the State of Maryland.

Mr. ALPER. Not within the State of Maryland.

HOT, CLOSE, AND FRESH PURSUIT

It is only within the transit zone, and the exception is in close or hot pursuit.

It is a difficult question as you can see. It is a difficult problem mechanically. We are trying to give these police adequate powers to do a job, but we did not want them to be another police force throughout the community. So we have restricted them very largely to their operation on transit property and facilities, except in this limited type of situation of hot or close pursuit which is a little different.

The CHAIRMAN. Is there a separate doctrine of law that distinguishes between hot pursuit on one hand and close pursuit on another hand?

Mr. ALPER. I do not profess to be an expert on this, but I did look it up.

The CHAIRMAN. In Missouri we have only hot pursuit.

Mr. ALPER. Let me answer this, in the uniform statute they talk about fresh pursuit. In Virginia their statute talks about close pursuit. Hence we started first using the word close pursuit rather than fresh pursuit.

Close and fresh pursuit is where you generally see something happening and you chase.

The doctrine of hot pursuit, as I understand, I do not want to get too technical, but I understand that is something different.

Our police officers have the power to, I suppose, what do you call it, investigate or check any person when they feel that they have reason to believe that a crime has been committed.

A felony has been committed. In other words a warranted search under very limited circumstances is what you have. That is what the word hot pursuit technically means.

So what you have here is close, fresh, and hot pursuit.

TRANSIT ZONE

The CHAIRMAN. Let us get back to this transit zone in the compact. It is entirely in the counties that you mentioned, Montgomery, Prince Georges, et cetera?

Mr. ALPER. Yes.

The CHAIRMAN. The only time or times that Metro policemen would be engaged in law enforcement activities outside of the terminal would be in matters of hot or close pursuit or fresh pursuit?

Mr. ALPER. Correct. Let me just amend that. It might be also in the shopping areas.

The CHAIRMAN. Yes, the shops. It could also mean as you get up the stairs there is an area, I guess right around the stairs, where they have an overhang or something that would still be within an arrestable area for Metro. Is that right?

WMATA PROPERTY

Mr. ALPER. Yes; I would imagine that varies from station to station. I know sometimes our property extends out and there may be situations where we just go to a street sidewalk. I don't know. Whatever the line is.

The CHAIRMAN. What about a bus stop, that is part of Metro? I am saying a bus stop, let us say at a station at the Mayflower Hotel, and you have a bus stop at the corner. What about there?

Mr. MACLEAN. That is not our property. The bus stop is part of the city.

The CHAIRMAN. Whose property is it?

Mr. MACLEAN. The city's.

The CHAIRMAN. You own the sign there.

Mr. MACLEAN. We furnish the sign. We have a permit.

The CHAIRMAN. I take it that would be the same thing as one of those shelters by the bus stop. Who owns that shelter?

Mr. MACLEAN. Actually, the bus shelter is provided and furnished by WMATA. As far as the property—

The CHAIRMAN. Let us take one you furnished. There is a lady sitting under this shelter. It is a misty day and a kid runs up and grabs her purse and makes a mad run for it.

Mr. MACLEAN. It is not our property. The property belongs to someone else. An officer would observe something like that legally as an officer he has no standing. As a citizen if he wants to take the chance—

The CHAIRMAN. A Metro policeman is there on duty, in uniform, sees this purse snatching but would not have the right of—

Mr. MACLEAN. He would have the right of a citizen, but from a pure legal standpoint it is not our property. We do not have the legal authority. I am sure if he is acting in good faith and makes a citizen arrest on that—

HOT, CLOSE, AND FRESH PURSUIT

The CHAIRMAN. What is the D.C. law we heard in lieu of that hot, close, fresh pursuit on the Maryland law. What is the D.C. law on hot, close, fresh pursuit in connection with the D.C. police.

Chief CULLINANE. Those terms are all in the D.C. Code, Senator. That is where they come from. What they could do would be to make an arrest for a felony that was committed in their presence and on their property. If they were doing it on their property, they would be doing it under the authority of the transit police officers.

If it was something that they observed on city property, then they don't have any authority on city property.

[The sections of the District of Columbia Code referred to follow:]

DISTRICT OF COLUMBIA CODE

TITLE 23.—CRIMINAL PROCEDURE

SUBCHAPTER V.—ARREST WITHOUT WARRANT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 23-501.

§ 23-581. Arrests without warrant by law enforcement officers

(a) (1) A law enforcement officer may arrest, without a warrant having previously been issued therefore—

(A) a person whom he has probable cause to believe has committed or is committing a felony;

(B) a person whom he has probable cause to believe has committed or is committing an offense in his presence;

(C) a person whom he has probable cause to believe has committed or is about to commit any offense listed in paragraph (2) and, unless immediately arrested, may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence.

(2) The offenses referred to in subparagraph (C) of paragraph (1) are the following:

(A) The following offenses specified in the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901, and listed in the following table:

Offense:	Specified in—
Assault.....	section 806 (D.C. Code, sec. 22-504).
Petit larceny.....	section 827 (D.C. Code, sec. 22-2202).
Receiving stolen goods.....	section 829 (D.C. Code, sec. 22-2205).
Unlawful entry.....	section 824 (D.C. Code, sec. 22-3102).

(B) Attempts to commit the following offenses specified in such Act and listed in the following table:

Offense:	Specified in—
Burglary.....	section 823 (D.C. Code, sec. 22-1801).
Grand larceny.....	section 826 (D.C. Code, sec. 22-2201).
Unauthorized use of vehicles.....	section 826b (D.C. Code, sec. 22-2204).

(b) A law enforcement officer may, even if his jurisdiction does not extend beyond the District of Columbia, continue beyond the District, if necessary, a pursuit commenced within the District of a person who has committed an offense or whom he has probable cause to believe has committed or is committing a felony, and may arrest that person in any State the laws of which contain provisions equivalent to those of section 23-901. (July 29, 1970, Pub. L. 91-358, § 210(a), title II, 84 Stat. 629).

§ 23-582. Arrests without warrant by other persons

(a) A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, and may arrest outside the premises on fresh pursuit for offenses committed on the premises.

(b) A private person may arrest another—

(1) whom he has probable cause to believe is committing in his presence—

(A) a felony, or

(B) an offense enumerated in section 23-581(a)(2); or

(2) in aid of a law enforcement officer or special policeman, or other person authorized by law to make an arrest.

(c) Any person making an arrest pursuant to this section shall deliver the person arrested to a law enforcement officer without unreasonable delay. (July 29, 1970 Pub. L. 91-358, § 210(a), title II, 84 Stat. 630.)

CITIZEN'S ARREST

The CHAIRMAN. Even for a felony—what about a citizen's arrest?

Chief CULLINANE. Citizen's arrest is somewhat limiting as to what it was in common law. The cases are spelled out but in the felony there is no question. When you get into misdemeanors in the D.C. Code you will find that it is reduced somewhat as to what it was in the common law.

To answer your question more specifically, they are restricted by the law in what they—

USE OF WEAPONS

The CHAIRMAN. Let me move to another area.

Mr. MacLean, you have testified about references made in this statute that Metro policemen will be armed: Is that right?

Mr. MACLEAN. That is correct.

The CHAIRMAN. With live ammunition?

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. What will be your instructions to Metro policemen insofar as the use of a weapon is concerned?

Mr. MACLEAN. I would be happy to submit our written instructions for the record. In general, the only time you would use a weapon or firearm is to protect some person's life or your life after all other means have failed. No warning shots.

The CHAIRMAN. No warning shots?

Mr. MACLEAN. Absolutely not.

The CHAIRMAN. No warning shots in the subway—underground terminal area and upstairs.

Mr. MACLEAN. Any place, it is too dangerous. The use of a firearm in a situation like that—

The CHAIRMAN. If no warning shot then quite obviously no shot at a fleeing felon?

Mr. MACLEAN. Not if the felon would be fleeing. You could go as far as our instructions are to use that weapon to protect another life or your life.

The CHAIRMAN. So a fleeing felon and a Metro policeman are down in the subway, and the Metro policeman see an individual stab a victim, sees him throw the knife away, and sees him start to run up the stairs, no warning shot and certainly no shot to stop the fleeing felon.

Mr. MACLEAN. Legally you could do so, but the chances of that hitting a piece of steel and ricocheting and killing. We keep our fellows in pretty good physical condition and I would hope we could run down someone like that rather than having to shoot him.

The CHAIRMAN. I was just reading the bill because it bears on those last few questions. Section, whatever it is on page 4 of the bill, line 3; "However, a member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority, and only in the performance of his duties or while on the transit facilities owned, controlled, or operated by the Authority in direct transit to and from a duty assignment."

So that is a fairly broad delegation.

Mr. MacLean, you testified that by rule or regulation you are going to narrow the operating use of a weapon as you have thus testified.

Mr. MACLEAN. Senator, that is correct.

[The following material was submitted for the record:]

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Security Department

April 18, 1975

General Order No. 2, Series 1975

Subject: Metro Transit Police Firearms Policy

The purpose of this order is to establish policy, procedures, and administrative guidelines governing the issuance and use of "service weapons" by sworn Metro Transit Police Officers. The Director of Security is responsible for issuing, regulating, amending, revising, and repealing rules governing the issuance and use of "service weapons" purchased and owned by WMATA for use by sworn members of the Metro Transit Police. Further, the Director of Security is required to see that sworn members of the Metro Transit Police Department shall adhere to all legal rules and regulations controlling the use or discharge of authorized or approved service weapons as promulgated by the law of the WMATA, Compact signatories, and as related to the weapons restrictions stipulated in the Metro Transit Police enabling legislation of all three signatories.

Definitions. For the purpose of this order, the term "service weapons and equipment" shall mean issued, authorized service revolvers and other approved firearms, chemical aerosol dispensers, handcuffs, riot control batons, patrol batons, gas masks, belts and holsters purchased, issued or approved by the Department of Security which are to be carried or kept available for use by the sworn officer members of the Metro Transit Police Department.

For the purposes of this order the term "officer" (Metro Transit Police Officer) shall mean any sworn member of the Metro Transit Police Department.

PART I Responsibilities and Procedures for Officers of the Force

PART II Responsibilities and Procedures for Supervisory and Command Personnel

Part I

A. Discharge of Firearms of Service Weapons

1. Sworn members of the Metro Transit Police Department shall not discharge any firearms or other service weapons owned, issued, authorized, or approved by WHATA, while in an "on-duty" status within the Transit Zone unless such weapons use is in compliance with the guidelines established in the Manual of the Metro Transit Police Department.

(a) It is the policy of the Metro Transit Police Department that each member of the Department shall in all cases use only the minimum amount of force which is consistent with the accomplishment of his/her mission, and said members shall exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.

(b) No member of the Metro Transit Police Force shall discharge a firearm in the performance of police duties except under the following circumstances:

(1) To defend himself/herself or another from an attack which the officer has reasonable cause to believe could result in death or serious bodily injury.

(2) To effect the arrest or to prevent the escape, when every other means of effecting the arrest or preventing the escape has been exhausted, of a person who has committed a felony or has attempted to commit a felony in the police officers presence, or when a felony has been committed and the police officer has reasonable grounds to believe the person he/she is attempting to apprehend committed the felony; provided, that the felony for which the arrest is sought involved an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury; and provided further, that the lives of innocent persons will not be endangered if the officer uses his firearm.

(3) To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering.

(4) For target practice or competition on an approved range.

(c) No member of the Metro Transit Police Force shall discharge his firearm under the following circumstances:

(1) As a warning.

(2) At or from any moving vehicle except when the officer is justified in firing under Section A, 1, (a)(b).

(3) And the officer has no cause to believe that any innocent person will be injured as the result of firing at or from such moving vehicle.

(4) In any felony case which does not involve an actual or threatened attack which the officer has reasonable cause to believe could result in death or bodily injury.

(5) In any case involving a misdemeanor offense.

B. Metro Transit Police Department Rules, Regulations, and Procedures Controlling the Use and Discharge of Firearms, Issued Service Weapons and other Authorized Equipment

1. All sworn members of the Metro Transit Police Department who use or discharge a firearm or service weapon which is the property of WMATA, whether in an "on-duty" or "off-duty" status, except as allowed in Part II, paragraph D, shall as soon as possible, notify their supervisory official on duty in the Metro OCCB or the Metro Transit Police officials in charge of their organizational element. Said officers shall then submit a written report to the Director of Security no later than the time relieved from duty if on duty or as directed by the Metro Transit Police official in charge of their unit, if off duty.

2. Delay in the required notification (to OCCB, or an official in charge of as subordinate's organizational element) shall be allowed only to:

- (a) Render first aid,
- (b) To maintain an arrest or prevent the escape of criminal defendant(s),
- (c) To protect a crime scene until help arrives, or
- (d) When the Metro Transit Police Officer(s) involved in the incident are incapacitated.

3. Sworn members of the Metro Transit Police Department shall carry, wear, or use only issued or authorized weapons assigned to them while in an "on-duty/ performance-of-duty" official work status.

4. Sworn members of the Metro Transit Police Department are restricted from carrying issued or authorized weapons assigned to them while in an (official) "off-duty" work status. However, if permission is granted by the Director of Security, sworn Metro Transit Police personnel shall be permitted to carry issued and/or authorized weapons assigned to them to and from their places of residence, but they must use the most direct geographical route while transporting the above-mentioned weapons to and from their places of residence.

5. Those Metro Transit Police Officers who own, possess, or have custody of and/or control over personal weapons (owned or borrowed firearms, chemical agent dispensers, blackjacks, batons) shall make the same notification listed in Part I, paragraph B, 1, if they use or discharge such weapons.

6. Additionally, if a firearms incident occurs in a jurisdiction other than that of the WMATA Transit Zone involving the use or discharge of approved, issued, authorized and/or personalized (borrowed) weapons, this information shall be included in an officer's report to the Director of Security with a complete explanation of the circumstances surrounding such weapon's discharge or use. This directive shall apply throughout the Washington Metropolitan Area or elsewhere with the exception of approved firearms range activity mentioned in Part II, paragraph D.

7. All Metro Transit Police Officers are expressly forbidden to make repairs or modifications on WMATA-owned service weapons or other authorized equipment. Personalized handgrips on issued weapons are forbidden unless they are approved and installed by the Department's range officer.

8. When the day work tour-of-duty has ended, all officers who are unable to contact the appropriate Metro Transit Police official in firearms discharge incidents, must notify the senior ranking official on duty at the Metro Transit Police operations desk in the OCCB and await instructions. Said officer has an emergency notification call-up list of Transit Police officials. The list contains the names of Transit Police officials on call for emergency firearms incidents occurring during the 4 to 12 p.m. and midnight tour-of-duty.

9. All Metro Transit Police Officers who are undergoing psychiatric analysis, treatment, or experience any mental disorders needing professional help or assistance, must inform the Director of Security of this mental condition in writing, immediately. While being so treated, examined or hospitalized, said Transit Officers' armed authorization as sworn members of the Metro Transit Police Department shall be administratively reclassified to an unarmed status pending a medical report from a WMATA medical doctor certifying their mental competence to carry, wear, or use weapons assigned to them.

10. Metro Transit Police Officers equipped with chemical aerosol dispensers (MACE) must report in writing any use thereof of their issued chemical dispensers to their supervisory sergeant without undue delay, but in no case shall this delay extend beyond their respective tours-of-duty. They must have the chemical agent dispensers issued to them weighed for specific content each month by their supervisory sergeant.

11. All Metro Transit Police Officers must use, carry, or wear only issued, approved or authorized service weapons, holsters, and equipment as described in Part II, paragraphs F, G, H, I, J, and K.

Part II

A. Notification Procedure for Metro Transit Department Officials

Whenever Metro Transit Police officials (sergeant and above) are notified of an incident involving the discharge of a firearm or service revolver by a sworn Metro Transit Police or any other public police agency personnel, said officials must notify the senior Transit Police Official on duty. However, when personal injury or death has resulted from said firearms discharge incident, the Director of Security shall be notified immediately by the Metro Transit Police official on duty in the Command Center.

B. Senior Metro Transit Official on Duty

The Metro Transit Police senior official on duty shall determine which official shall conduct the immediate investigation and prepare the initial report for the Director of Security Office.

C. Commanding Officers

1. Police officials commanding the various organizational elements of the Metro Transit Police Department, unless another official is specifically designated to act in his place, shall:

(a) In all incidents involving the discharge of any service weapons by Metro Transit Police Officers as listed in Part II, A, make an in-depth investigation and forward a complete written report, including conclusions and recommendations, through channels to the Director of Security, no later than five working days after the incidents.

(b) In all incidents involving the discharge of any firearm, in addition to the reporting requirement specified in paragraph C. 1 mentioned above will conduct an immediate preliminary investigation and forward a report of same through channels within 24 hours after the incident.

(c) In all incidents where Metro Transit Police Officers use force via the baton, handcuffs, aerosol dispenser, etc., to affect an arrest, commanders in such situations have discretion in making an immediate report through channels. But each incident involving force (physical or deadly) where weapons or equipment are used, requires a formal report.

2. All request for extensions on the reporting time limitations of weapons use incidents will be made to, and approved by, the Director of Security.

D. Exceptions

The provisions of Part I, Section A and B, do not apply to annual revolver qualification or to target practice or competition on an approved range.

NOTE: An approved range is a facility specifically designed for weapons firearms training that has been licensed by governmental authority.

E. Revolver Qualification

Metro Transit Police Officers shall be required to qualify with their issued service weapons as the Director of Security may prescribe.

F. Authorized Revolvers

1. Approved S.W., four-inch, blue steel, model 15, .38 caliber, 6-shot revolver.
2. Approved S.W., two-inch, blue steel, model 38, 5-shot, .38 caliber air weight, hammerless-like revolver.
3. Approved firearms range weaponry.

G. Authorized Holsters

1. Approved issued .38 caliber holster
2. Approved issued belts for holster
3. Approved issued Chemical Dispenser holster
4. Approved off-duty holster (privately-owned)

H. Authorized Chemical Aerosol Dispenser (to be used as a nonlethal weapon as approved by the Director of Security)

1. Issued Chemical Dispensers

I. Authorized Batons

1. Issued Patrol Batons
2. Issued Riot Control Batons

J. Authorized Gas Mask

1. Issued Gas Masks

K. Authorized or Approved Ammunition

Members of the Metro Transit Police Department will carry and use only the ammunition which is issued or authorized by the Director of Security. Personal ammunition is not authorized.

NOTE: Ammunition used in approved firearms range activities, if approved by the Range Officer, is considered approved and authorized.

L. Security of Issued Service Weapons

Because of the hazard to the public from stolen service weapons (WMATA issued service revolvers, aerosol mace dispensers) and/or the hazard of having service weapons stolen from insecure places such as automobiles, sworn members of the Metro Transit Police Department are expressly prohibited from leaving their issued, authorized/approved service weapons, in their automobiles, whether in or outside the geographical boundary of the Metro Tri-state Transit Zone.

M. Weapons and Equipment Care

In addition to any departmental disciplinary sanctions, sworn Metro Transit Police personnel shall be responsible for any damage or loss (replacement at market value) that occurs to WMATA-owned weapons and equipment issued and/or assigned to them. Officers shall also clean all such equipment when necessary.

N. Use of WMATA Service Weapons Resulting in the Death of Another

Members of the Metro Transit Police Department whose legal use of firearms or service weapons results in the death of another will be placed on administrative leave (full pay and allowances) pending investigation by officials of the Metro Transit Police.

O. Use of Service Weapons Review Board

All incidents involving the discharge of service weapons by sworn Metro Transit Police personnel, except those activities at an approved range, shall be referred by the Director of Security to a Use of Service Weapon Review Board for their recommendation as to whether such weapons discharges were justifiable, accidental or negligent. Membership on the Board will consist of the quorum of three Metro Transit Police Officials (Captains and above) selected by the Director of Security. This Board will have the authority to:

1. Conduct an administrative hearing concerning all weapons discharge cases;
2. Compel attendance for all sworn Metro Transit Police Force members involved either as principals or witnesses in the weapons discharge cases being heard.

In the event of an adverse Board finding in which members of the Metro Transit Police Force are found to be negligent (unjustifiable discharge), said officers causing the service weapon discharge have five (5) working days to request, in writing, a reconsideration of their case before said Board.

The request must state:

- (a) New matters of law or fact to be considered which were not considered in the initial hearing.
- (b) Extenuating or mitigating circumstances which were not considered in the initial hearing.

3. The officer may also include a request to personally appear before the Board and to have witnesses attend in his/her behalf.
4. The granting of the request for reconsideration by the Board and/or the granting of the request for a personal appearance shall be at the discretion of the Board, after review of the officer's formal written request.
5. In cases where a rehearing consideration is denied, and where an adverse recommendation has been forwarded to the Director of Security for his approval, the officer or officers adversely affected shall receive a copy of the Board's recommended disposition. If the officer or officers adversely affected should disagree with the adverse recommended disposition of the Board, they shall have the option of appealing their case to the General Manager in accordance with the procedure found in the WATA Personnel Manual, page 31, dated June, 1972 edition.
6. The Review Board administrative recommendations may include but are not limited to:
 - (a) No Action
 - (b) A Letter of Warning, Prejudice or Reprimand
 - (c) Suspension Without Pay for a Period not to Exceed Two (2) Pay Periods in Duration
 - (d) Termination of Employment

P. Captain, Internal Affairs Division

The Captain, Internal Affairs Division, shall perform the following services for the Use of Service Weapons Review Board:

1. Notify the members as to the date, time, and location of meetings and provide all clerical assistance where necessary.
2. Compile and present all official reports of incidents involving use of service weapons by Metro Transit Personnel.
3. Investigate citizen complaints regarding the use or discharge of service weapons when such complaints are referred to the Internal Affairs Division for investigation by the Director of Security. Said Captain shall convene a meeting of the Use of Service Weapons Review Board and present the results of his investigation to the member of the Board, for their perusal and recommendations in accordance with the administrative procedure outlined in Part II, or as applicable.
4. Notify such witnesses to attend as said Board directs.
5. Prepare the recommendations of the Board for transmittal to the Director of Security and General Manager. One copy of the Board's findings shall be forwarded to the officers involved.

Q. Transportation of WMATA Weapons

1. Metro Transit Police officials shall insure that only sworn Metro Transit Police Force officers will handle, receive, carry or transport issued or approved firearms to, from, or within the Force's organizational units.

2. Sworn Transit Police Officer personnel whose police powers have been administratively suspended are forbidden to handle, carry, transfer or receive issued or approved service weapons in the course of their official duties. In this regard, such sworn members are restricted from carrying firearms to an approved range, carrying weapons to the weapon's locker as the result of a resignation, handling firearms designated as evidence in administrative assignments, i.e., operating a Metro police vehicle in which issued or approved firearm weapons are stored.

R. Equipment Arrangement

1. Right-handed Metro Transit Police Officers

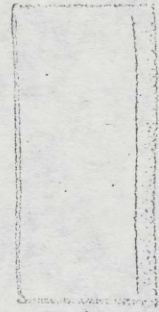
2. Left-handed Metro Transit Police Officers

NOTE: See Attachments A and B.

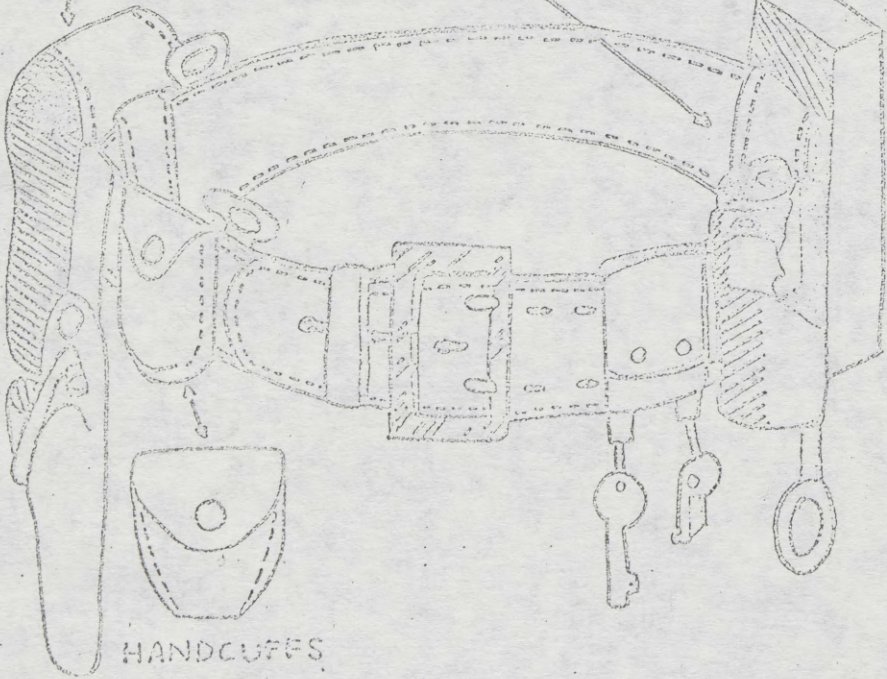
Angus B. MacLean
Director
Security Department

EQUIPMENT ARRANGEMENT FOR RIGHT-HANDED OFFICERS

TICKET POUCH

AEROSOL
CHEMICAL
DISPENSER

RADIO

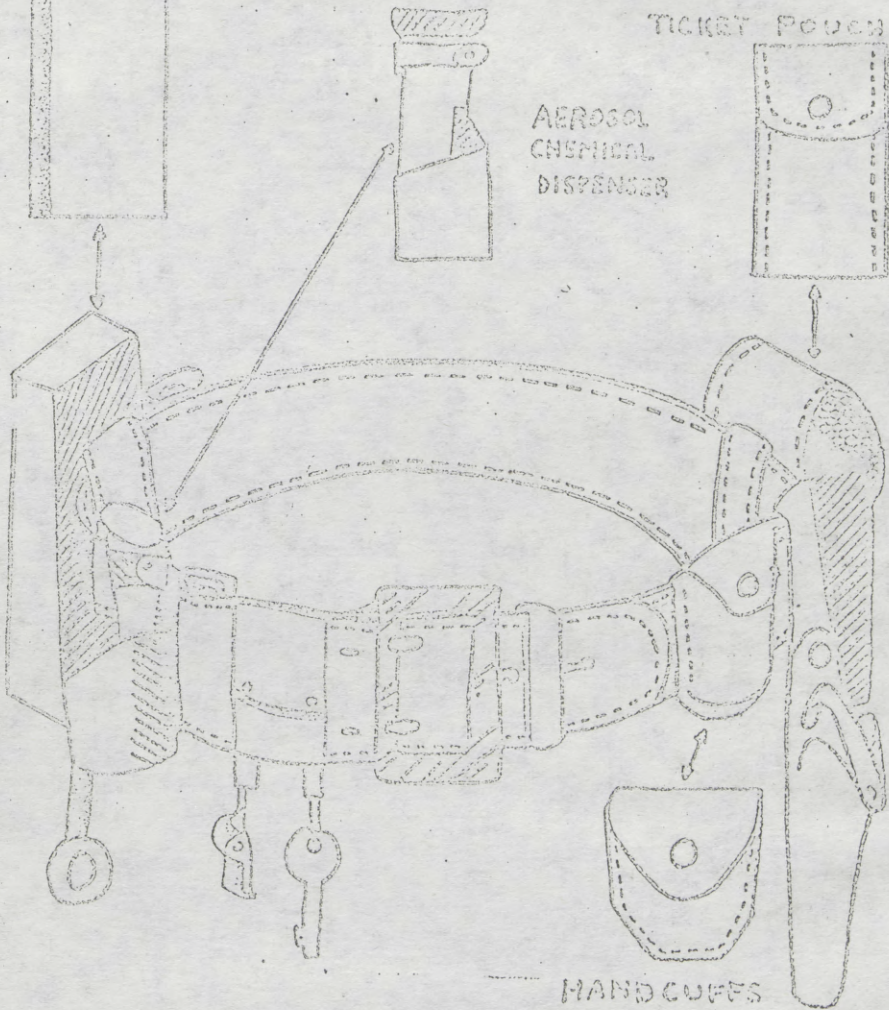


HANDCUFFS

RADIO

EQUIPMENT ARRANGEMENT
FOR
LEFT-HANDED OFFICERS

TICKET POUCH

AEROSOL
CHEMICAL
DISPENSER

HANDCUFFS

EXECUTION OF CRIMINAL PROCESS

The CHAIRMAN. On page 4, it is not vital, I am just curious about it on line 21, "with respect to events committed upon, to, or against the transit facilities owned, controlled, or operated by the Authority, the Metro Transit Police shall have power, except in the State of Maryland, to execute criminal process within the Transit Zone."

I am just curious why that power is given to the Metro Police except in the State of Maryland.

Mr. ALPER. I think I can answer that. It is the result of the history of negotiating the compact. As I said here, the compact first was presented to the general assembly in Virginia. The law enforcement officers of that State and of the local jurisdictions actually just wanted to be sure that they were not burdened with serving any paper arising out of those transit types of things. They had enough to do. They wanted the transit police to be given power to serve such papers as the court directed to them. It was enacted that way. We got over in Maryland and the people over there had some other concerns. They wanted to restrict as much as possible any type of activity of the Metro transit police other than just doing the job on our Metro transit property. So in order to make it consistent, we had this exception for Maryland. But it is just a local preference. That is what it amounts to.

Mr. MACLEAN. In a typical terminal, not just one main terminal—Metro Center—

NUMBER OF POLICE ON DUTY

The CHAIRMAN. We will get to Metro Center later. Take Union Center station at peak time, say at 5 to 6 o'clock: How many Metro police will be on duty at Union Station terminal and how many will be on duty say at 5 p.m. and 10 p.m.

Mr. MACLEAN. The system operates from 6 in the morning until 8 at night, 5 days a week.

The CHAIRMAN. Let us make it 5 p.m.

Mr. MACLEAN. At the hour that you cited—5 p.m.—right now every station that has an operating platform or mezzanine, we have one officer on that mezzanine, and we have one officer on each moving train. As the system expands and goes from 5.8 miles to 18 miles, of course, we have to expand accordingly, and we are policing it heavily right now. By design, we want to have a good appearance of a proper security system. We want to train our men, so when the next 13 miles come up we can expand and cover it. If we will not be able to give it as close coverage in that time, we will be asking a little more assistance from the police department.

The CHAIRMAN. Union Station has one police officer. Are there trains coming on both sides?

Mr. MACLEAN. In Union Station the center platform, sir, is at each end, and you have a mezzanine to come into. The best vantage point for an officer usually is on that mezzanine where he can observe what is going on. Also he has his or her eyes on the television cameras.

The CHAIRMAN. So there is one policeman riding on each train?

Mr. MACLEAN. That is right.

The CHAIRMAN. What is the typical number of cars?

Mr. MACLEAN. Rush hour is four right now, and sometimes six. Nonrush hour is normally two, but you can walk between cars, and

that is what the officers do. If you are suspicious of something, you concentrate on that car.

The CHAIRMAN. Is he instructed to sit and watch the movement from car to car, or does he sit and watch the TV?

Mr. MACLEAN. There are no TV monitors in the cars. His instructions are to control unless you see something that sort of draws your attention. Perhaps there is some rowdy person, perhaps just by being present you might calm down the action.

The CHAIRMAN. I take it that you do not envision the establishment of any special squads, Metro special homicide squads or anything of that type?

Mr. MACLEAN. Absolutely not, sir. The idea is to make full use of the technical and specialty services of police department homicide squads and we have the best homicide squad in the United States—in fact in the world.

The CHAIRMAN. It is a two-way concurrent street. I take it that a D.C. police officer—Chief Cullinane—could make an arrest and perform his duties in the subway.

Mr. MACLEAN. He certainly may.

The CHAIRMAN. He is not excluded by that.

Mr. MACLEAN. He is cordially invited if he wants to be in it.

USE OF WEAPONS

The CHAIRMAN. Chief, what different instructions will you give to your D.C. police officers insofar as the use of a weapon in a subway situation?

Chief CULLINANE. We have rather rigid rules which substantially reduce what a man can do legally or by law. They substantially reduce it. I see no need in the fact that they are going to be underground to restrict them any further. My officers are prohibited by regulation now and have been for the last 6 or 7 years on warning shots and things of that nature.

The CHAIRMAN. Is it your standard practice to never fire a warning shot?

Chief CULLINANE. Our officers are restricted, Senator, from shooting at some forms of felons.

The CHAIRMAN. You are active in the National Association of Police Chiefs, aren't you?

Chief CULLINANE. Yes, sir.

The CHAIRMAN. Is the theory of no warning shots becoming sort of a national rule in police work?

Chief CULLINANE. Yes; I think most progressive police departments have gone into it. Lawyers are somewhat hesitant in allowing you to write regulations which restrict you, that are more restrictive than the law, inasmuch that if you put such a regulation in you can make the city vulnerable if the rule is violated. I think that the laws are too broad. So do most police departments think that way on warning shots. I don't know of any progressive police departments that allow warning shots.

We have here in this city a weapons review board that all discharges of weapons must go before them. We have very few accidental dis-

charges and we have almost no warning shots. They are prohibited and rarely, as a rule, violated.

The CHAIRMAN. Chief, I think I cut you off when we started this question and answer session. Do you have a prepared statement?

Chief CULLINANE. I have a prepared statement, and if it will help, I will submit it for the record.

The CHAIRMAN. If you want to highlight or comment from it, feel free to do so. However, the full prepared statement will be placed in the record.

Chief CULLINANE. We worked very close with Metro during this entire time and I have worked very close with members of your staff. I have no problems at all in our understanding of what we are trying to do.

I have raised some concern to members of your staff that at some time when Mr. MacLean is gone and I am gone that it is necessary that the record carefully reflects what the intent was. I believe what we are doing today is very helpful. I don't believe that we are in disagreement with what is the intent of what Metro is going to do and what I am going to do. Therefore, I am pleased that you had a hearing like this, so we can get the intent down into the records, so people will know what we mean.

CREATION OF ANOTHER POLICE FORCE

The CHAIRMAN. I talked with you, Chief about this and my staff has and also with Metro people. You know that I have some reluctance with respect to the creation of yet another police force in the Greater Washington area. We have the Metropolitan Police, the Executive Protection Service, the Park Police, Capitol Hill Police, Federal Protection, Zoo—is that separate?

Chief CULLINANE. The Smithsonian has their own.

The CHAIRMAN. The Smithsonian has their own?

Let us put into the record the whole list. I didn't know they had their own. We named about eight or so, maybe even more. We will create the ninth, the tenth or the eleventh—whatever number we are up to.

Mr. ALPER. I am informed there are 37, perhaps introducing them by name would be a good way to clear up.

The CHAIRMAN. Let us get the list whatever it is. I cannot imagine 37. I guess you are including Fairfax, Montgomery, Prince Georges, and any towns or cities in the region.

Mr. ALPER. The independent cities in Maryland have small police departments.

The CHAIRMAN. Chevy Chase has a police department.

Chief CULLINANE. Takoma Park.

The CHAIRMAN. That we cannot do anything about. Every city or municipality has the right to have a police department.

Mr. MACLEAN. When we first started this we tried every way possible. How can we do this without having another police force. Every way we considered it from a financial standpoint, from a protection standpoint, we could not come up with another alternative.

The CHAIRMAN. I am sure that is the case. I am sure you approached it with good intent and good faith.

[The list of police agencies referred to follows:]

LIST OF POLICE AGENCIES

DISTRICT OF COLUMBIA

Chief Maurice J. Cullinane, Metropolitan Police Department, 300 Indiana Avenue NW., Washington, D.C. 20001.

FALLS CHURCH, VA.

Chief John E. Drass, Falls Church Police Department, 300 Park Avenue, Falls Church, Va. 22046.

ALEXANDRIA, VA.

Chief John B. Holihan, Alexandria Police Department, 400 N. Pitt Street, Alexandria, Va.

GAITHERSBURG, MD.

Mr. Marson H. Johnson, Director of Police Services, 31 South Summit Avenue, Gaithersburg, Md. 20760.

MARYLAND STATE POLICE

Col. Thomas Smith, Superintendent of Police, Maryland State Police, Pikesville, Md. 21208.

Capt. John R. Kaiser, Troop Commander, Maryland State Police, 3500 Forestville Road, Forestville, Md. 20023.

FAIRFAX COUNTY, VA.

Col. Richard King, Chief of Police, Fairfax County Police, 10600 Page Avenue, Fairfax, Va. 22030.

FAIRFAX CITY, VA.

Chief Leonard P. Kline, Fairfax Police Department, City Hall, Fairfax, Va. 22030.

VIRGINIA STATE POLICE

Capt. William F. Corvello, 2nd Division Commander, Virginia State Police, P.O. Box 232, Culpeper, Va. 22701.

GREENBELT, MD.

Chief William T. Lane, Greenbelt Police Department, 25 Crescent Road, Greenbelt, Md. 20770.

LOUDOUN COUNTY, VA.

Sheriff Robert W. Legard, Loudoun County, P.O. Box 229, Leesburg, Va. 22075.

FEDERAL BUREAU OF INVESTIGATION

Mr. Robert D. Conger, FBI, 9th and Pennsylvania Avenue NW., Washington, D.C. 20535.

EXECUTIVE PROTECTIVE SERVICE

Chief Earl L. Drescher, Executive Protective Service, 1600 Pennsylvania Avenue NW., Washington, D.C. 20506.

DULLES INTERNATIONAL AIRPORT

Chief Philip A. Hourihan, Dulles International, Airport Police, Dulles International Airport, Washington, D.C. 22021.

VIENNA, VA.

Chief Vernon Jones, Vienna Police Department, 127 Center Street, South, Vienna, Va. 22180.

LAUREL, MD.

Chief Robert M. Kaiser, Laurel Police Department, 350 Municipal Square, Laurel, Md. 20810.

WASHINGTON NATIONAL AIRPORT

Chief Raymond S. Pyles, Washington National Airport Police, Washington, D.C. 20001.

FEDERAL PROTECTIVE SERVICE

Chief James Maddock, Federal Protective Service, Room 7041—GSAROB, 7th and D Streets SW., Washington, D.C. 20407.

HYATTSVILLE, MD.

Major Kenneth C. Moureau, Hyattsville City Police, 4307 Jefferson Street, Hyattsville, Md. 20781.

U.S. CAPITOL POLICE

Chief James M. Powell, U.S. Capitol Police, Capitol Building—ST-11, Washington, D.C. 20510.

ARLINGTON COUNTY, VA.

Chief Roy C. McLaren, Chief of Police, Arlington County Police, 1424 N. Uhle Street, Arlington, Va. 22201.

PRINCE WILLIAM COUNTY, VA.

Chief George T. Owens, Prince William County Police, 9300 Lee Avenue, Manassas, Va. 22110.

TAKOMA PARK, MD.

Chief Robert E. Porter, Police Department, 7500 Maple Avenue, Takoma Park, Md. 20012.

PRINCE GEORGE'S COUNTY, MD.

Col. John Rhoads, Chief of Police, 3415 North Forest Edge Road, Forestville, Md. 20028.

ROCKVILLE, MD.

Chief Charles Wall, Rockville Police Department, 12 H Park Lane, Rockville, Md. 20851.

MONTGOMERY COUNTY, MD.

Col. Kenneth W. Watkins, Superintendent of Police, Montgomery County Police Department, 60 Courthouse Square, Rockville, Md. 20850.

HERNDON, VA.

Chief Walter R. Bishop, Police Department, P.O. Box 427, Herndon, Va. 22070.

U.S. SECRET SERVICE

Mr. Lilburn Boggs, Department Director, U.S. Secret Service, Room 800, 1800 G Street NW., Washington, D.C. 20223.

U.S. PARK POLICE

Chief Jerry V. Wells, U.S. Park Police;
Major Lewis C. Butt, Chief of Park Police Division, 200 Shorefield Road, Wheaton, Md. 20902.

ARMED FORCES POLICE

Lt. Col. James S. Coale, USMC, Armed Forces Police, Washington Navy Yard, Washington, D.C. 20374.

HOWARD COUNTY, MD.

Chief, Howard County Police Department, 3676 Fels Lane, Ellicott City, Md. 21043.

OCEAN CITY, MD.

Lt. F. Lee Ward, Ocean City Police, 107 Dorchester Street, Ocean City, Md. 21842.

U.S. CUSTOMS SERVICE

U.S. Customs Service, Room 301, 701 West Broad Street, Falls Church, Va. 22030.

ANNE ARUNDEL, MD.

Anne Arundel County Police Department, Police Headquarters, Route 0, Millersville, Md. 21108.

MANASSAS, VA.

Chief B. Reed, Manassas Police Department, 9518 Fairview Avenue, Manassas, Va. 22110.

INVESTIGATIVE SQUAD

The CHAIRMAN. Mr. MacLean, we have gone through special squads, arson squads, bomb squads—are you going to have an investigative squad? If so, describe that for me.

Mr. MACLEAN. A very small investigative squad. Right now that consists of three officers, and they wear plain clothes or they wear uniforms. Basically what we are doing in any small misdemeanor type investigation is to make liaison with the other police departments.

The CHAIRMAN. Give me an example of that type of investigation.

Mr. MACLEAN. A good example would be theft of Metro property—something that was stolen from Metro would be typical.

The CHAIRMAN. Like a systematic theft?

Mr. MACLEAN. Tools are a good example.

The CHAIRMAN. Why do you need that squad if your tools are disappearing? Why don't you call in Chief Cullinane?

Mr. MACLEAN. If it was a big organized affair, we would. We try to protect ourselves as much as possible. That is what the need of those officers would be for. I guess another good example would be someone, a plainclothesman of course, when he is not out looking for purse snatchers, people that harass elderly folks, you have good use for him, you can use him in internal affairs, for investigations going on of members in the department, but very limited use for this squad.

The CHAIRMAN. I don't know why you couldn't use Chief Cullinane for theft of tools or some such things as that. I guess you have to have some person who is doing personnel checking on future hires. I can see a person doing that, but that can be a civilian.

Mr. MACLEAN. Normally on today's checks we have found it would be better to use a trained police officer because after all we bring him onboard, afford him an awful lot of good police training. We wouldn't like to do it and then find out we made a mistake and cannot certify him because of something in his background.

The CHAIRMAN. Why don't you use Chief Cullinane's screening practice.

Mr. MACLEAN. That is fine sir, but we have the other counties, Maryland and Virginia, and each of them are governed by sovereign law. We must comply with that law in working with their districts.

Chief CULLINANE. Mr. Chairman, if I could interject for just a moment. I have talked to Mr. MacLean at great length. Any offense report that comes out in Metro will be investigated by Metropolitan Police Department. He is talking about pilferage—an internal type of thing. Inventory types of shortage so you have to tighten up on your procedures. Those kinds of things I think are very typical in private industry or any industry to have certain people that are hired by the company. In this case it would be Metro who are going to be looking out for the welfare and for the property of the company.

If you are talking about thefts, just as it was someone came in, took something, get reported, it will be assigned to one of our detectives and they will do the investigation.

The CHAIRMAN. These Metro investigators, what if something to investigate, whatever it is, is at Union Station up here. Do they come up to the Hill and do a little snooping?

Mr. MACLEAN. No, sir. Absolutely, they have no authority.

The CHAIRMAN. You have these investigators to investigate. Is the geographical scope of their investigation limited to terminal areas and the top of the stairs.

Mr. MACLEAN. To the properties of Metro.

The CHAIRMAN. Suppose you have a systematic theft of tools from your repair office and you have reason to believe that they are on the other side of town.

Mr. MACLEAN. The first thing to do is get in touch with the Metropolitan Police Department and advise them of the information we have. Offer them assistance and identification. If not they will take the whole case. Our jurisdiction is limited.

The CHAIRMAN. Frankly, Mr. MacLean, you have not convinced me of the need. I know it is just three men, but I have observed government in the District of Columbia which starts with three and winds up with 303. I do not really see the need for this investigative force.

I am not convinced of the necessity of it.

Mr. MACLEAN. We have not put anybody in civilian clothes on that job as yet, but they will be to investigate internal affairs operations, and that is where we are going to get the best return.

RETIREMENT AND PENSIONS

The CHAIRMAN. We had discussed in earlier hearings that we held this year on pensions in the District of Columbia. Not only just police, but also teachers and firemen. In the situation in the District of Columbia, the best figures we have is there are 54,000 plus employees of the District of Columbia, and that includes Metro, that includes the school board and total employment for government work in the District of Columbia. I do not mean Federal employment, just the District of Columbia. Fifty-four thousand is a staggeringly high figure, even taking into account that the District of Columbia is a city for other purposes, a county for other purposes, a State; 54,000, taking all those things into account, is a staggeringly high number as I said before.

In our earlier hearings on pensions we got into personnel matters. I was thinking out loud with some other witnesses about policemen who retire in their early mid-40's. Why could not there be some transfers. Why could not there be more desk clerks if they were not physically able enough to walk a beat? Think out loud with me Chief and Mr. MacLean, what can we do, if anything, to cut down on early retirements and save money and yet still utilize the skills and experience that police officers have gained from say 20 years on the force? Isn't there some meaningful work that a typical police officer, say age 44, who has been on since age 24, things that officer could do that would be a contribution to government in the District of Columbia?

Chief CULLINANE. Senator, I assume right now you are talking about optional retirement, when they reach the optional 20 years.

The CHAIRMAN. Many of your men do exercise that option of retirement.

Chief CULLINANE. But he is retiring at a reduced annuity and there are incentives for him to stay there. He gets 21½ percent a year for every year after 20 years.

I don't find that as objectionable. I really do not have much problem at all with that. That is not unique—20 year retirement. There are many departments that are going into 20 year retirements. Senator, where we have problems is in the area of early going into disability retirement. That is where someone has to do some soul searching.

If you will look back in the record, Senator, the Department has consistently, for a number of years, made some recommendations in that area. I really won't bore you with times and dates, but I think back in 1968-69 everyone retired on disability. It was almost 100-percent disability retirement.

We took internal steps and Congress did change a little and put extra people on board, and so forth. We are now up to 50-50. I think last year we had 52 percent retired optionally, 48 percent disability. Forty-eight percent is still high. The problem with the law is that it is all or nothing. It does not take into account percentage types of retirement. At some point in time I will be happy to sit down with anyone and discuss that format.

I really believe that 20-year retirement is not unique. The military uses it and police departments around the country use it. I do not think that is the drain. The drain comes from people who retire on disability. They retire off of the letter of the law. The letter of the law is too broad.

I agree with you, and that is not a new position, we have agreed for a long time. I am sure that it was never the legislative intent, and I guess what we are into is what most of us realize what causes the trouble, and that is that the laws are not written maybe as precise as they should be. Incidentally case law also broadens that, Senator.

The CHAIRMAN. I think that all you have said is true. It does go right to the disability situation. We do need to tighten it up legislatively. It is too broad.

LATERAL TRANSFERS

What about this rough notion that I have of lateral transfer? Here you have 37 law enforcement units—8, 9, or 10 major ones within the District of Columbia. Could there be created some kind of an overview board which could find, if the fellow was not physically up in the D.C. Department, that he could nevertheless under certain circumstances, physically be the policeman who patrols the parking lot or the Capitol steps? A job where he sort of monitors what is going on so no one parks in the wrong space, or what have you. It is not really a hot pursuit type of job. Can you think of any kind of a rough plan where we could better utilize people of differing ages within the overall confines of law enforcement?

Chief CULLINANE. Senator, you asked the same questions on the 23rd of March when I was here before. We have looked at it, and I believe we said there were certain jobs we thought a man could be utilized in—a radio man, dispatcher, and in certain other requirements.

The problem is usually when the man reaches the age of 40-45, if he has been an effective police officer. he normally is promoted up the line to captain, or what have you. If you transfer him to another department or to any other smaller department, the younger officer coming up from the bottom, you are going to stifle any opportunity, or desire that he has in wanting to make that a career. If you bring a senior in above him, then there is no chance for promotion.

That would be our only objection, and the chance of advancement for the young fellow coming up. In most departments the top staff is pretty limited, you do not need an awful lot of top staff.

What you need is men out in the street, men on their feet, and some fellows at 45 are in excellent physical condition, but at the rank of lieutenant or captain, you are paying an awful lot of money for a footman, and we do not think it would be appropriate, except in limited cases.

The CHAIRMAN. Mr. Quenstadt, do you have anything to observe on this very rough notion?

Mr. QUENSTADT. I will defer to Mr. Alper.

Mr. ALPER. I would like to volunteer a statement.

I think the discussion so far is in too limited a context.

It deals with the qualifications of people, and the availability of jobs. But in this particular area, where you have a politically complex situation, the interchange of personnel, of say from one police department to another, is inhibited at the moment by the separate governments, the separate retirement systems and the separate pay systems. This would have to be approached as a problem in metropolitan government. The interstate compact depends on the composition of the area. But to get to this problem, you do not talk about it as a police problem; this is a problem of metropolitan government, it needs to be approached on a much broader basis.

For instance, take Miami. I do not profess to know so much about them, except I know they did have, or I presume still have a metropolitan form of government.

The CHAIRMAN. Dade County.

Mr. ALPER. Right. Now, if we had a metropolitan form of government here, that governed this whole metropolitan area—I am not saying I am advocating it, but I am showing you as an example—but then the police departments would be all under one single umbrella. You would have flexibility over these separate agencies. But that is really the more difficult part of the problem.

I think you have to provide a mechanism to shift these people around before you can talk about whether they ought to be shifted.

Chief CULLINANE. Senator, that is as I understand it, as you characterize it, the elaborate movement from one department to another. We are confined to the metropolitan area. Major city chiefs from around the country feel that one of the stumbling blocks in turning it into a real profession is that you should be able to transfer.

You have some very practical problems, and you have little empires which are difficult to break down. This is a real problem. Then another problem is your vested rights.

They are so different. They are different from one department to another in the city and the towns. In the city they are much more. There are tremendous differences when you go into the metropolitan area. So I am saying that it is an interesting proposal. It is not one that is insurmountable, but one that will take an awful lot of work to get things equalized.

TRAINING PERIOD

The CHAIRMAN. What is the training period, Mr. MacLean, for WMATA police?

Mr. MACLEAN. It takes about 6 months. It is 12 months of basic.

The CHAIRMAN. Is he then called probationary for a period?

Mr. MACLEAN. A total of 1 year probation.

The CHAIRMAN. And then what is he going to be?

Mr. MACLEAN. Patrol officer.

The CHAIRMAN. All right. Patrol officer.

PAY SCALES

What will be the pay scale of a patrol officer who has gone through six months training, and one year probation? What will be his salary?

Mr. MACLEAN. We do have it right here. When we first started putting the system together, we agreed that our officers would not exceed the average salary of the top five departments in the region.

The CHAIRMAN. The top five departments in the region?

Mr. MACLEAN. Yes. I will read them off. Metropolitan police, \$11,469.

The CHAIRMAN. Now, that is for a patrolman.

This is for one who has finished his training?

Mr. MACLEAN. Yes.

The CHAIRMAN. What is the District of Columbia?

Mr. MACLEAN. \$11,600.

The CHAIRMAN. What is the highest in the jurisdiction?

Mr. MACLEAN. Arlington County, \$12,791.

The CHAIRMAN. So it is sizable.

Arlington County is 13 percent higher than Metro.

Mr. MACLEAN. Yes.

The CHAIRMAN. What is the lowest?

Mr. MACLEAN. Right now we are the lowest by about \$40.

The CHAIRMAN. Metro will be the lowest, \$11,469?

Mr. MACLEAN. Yes. Prince Georges County is \$11,645. Montgomery County is \$11,562.

RECRUITING

The CHAIRMAN. How do you recruit for Metro policemen? Do you run ads in the papers?

Mr. MACLEAN. In Metro, when we have any jobs open, including police jobs, the first choice goes to an employee already on board on the staff.

They must meet the same standards of a police officer of the region—physical, mental, moral, and education.

We did get a few officers from the Metropolitan police for our own staff, and some were inhouse staff.

Out of the 95, I believe about 12 to 14 were, and the rest we went out to advertise.

This outlines the requirements here.

The CHAIRMAN. We are in a recession. Do you have many more qualified applicants for a position than you have available positions?

Mr. MACLEAN. Yes, sir. We have a list this morning. I think it is 65. They go in front of a review board—three seniors.

The CHAIRMAN. Chief Cullinane, do you have a lot of pending qualified applicants for the District of Columbia Police Department? Do you have more applicants than you have spaces available?

Chief CULLINANE. Mr. Chairman, we have been unable to hire. We are on an attrition budget. We have been for a year. The last time I

looked at it, at the time we froze it was 700 people that were or had in some form at least passed the written examination, and we were doing the background work.

Some of them were on the register. We have had no trouble in recruiting in a number of years.

The CHAIRMAN. What is your uniform force level?

Chief CULLINANE. You are talking of sworn personnel?

The CHAIRMAN. Yes.

Chief CULLINANE. 4,470.

The CHAIRMAN. 4,470?

Chief CULLINANE. 4,478, I believe it is.

The CHAIRMAN. What year was the peak?

Chief CULLINANE. The peak was 6,100. I believe we peaked probably in 1970-71.

The CHAIRMAN. If you do not have these figures, I know you cannot have them precisely in your head, but your estimate: What is the normal attrition rate of the uniformed personnel?

Chief CULLINANE. Attrition rates are very difficult to track, because of the job market.

When we were heavy in recruiting, Mr. Chairman, it was not unusual for us to be at about 16 percent, which was extremely high. We kept 10 percent for a long time so we were losing somewhere between 45 and 50 people a month.

Last year we averaged 22 a month. This year we are projecting losing 17 a month.

The CHAIRMAN. Some of that is attributable to the recession?

Chief CULLINANE. I do not think there is any question.

When you get the police officer there for 5 years, you do not usually lose him. You lose most heavily in the first few years. But the department is stabilizing, but clearly the economy of the country, and the job market has a lot to do with it.

The CHAIRMAN. Well, gentlemen, I have taken much of your time, but it has been a very interesting session for me. I am very appreciative.

The committee stands adjourned.

[Whereupon, the committee was adjourned at 11 a.m.]

[The prepared statements of Mr. Quenstedt and Chief Cullinane follow:]

STATEMENT OF WARREN QUENSTEDT, ACTING GENERAL MANAGER
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
REGARDING HR 8719

Before the Senate Committee on the
District of Columbia

April 1, 1976

Mr. Chairman and Members of the Committee:

We are pleased to appear before you today to discuss legislation to amend the Washington Metropolitan Area Transit Authority Compact. This amendment has been passed by the Maryland and Virginia legislatures and the House of Representatives and is currently in your Committee. It would permit the Authority to maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel and transit facilities.

In an effort to determine what type of security system would best meet the requirements of a metropolitan rapid transit system, WMATA retained a consulting firm, Arthur Young and Company, to study Metro's security needs. The consulting firm reviewed security provisions of other transit systems and the special needs of WMATA's tri-jurisdictional system. The comprehensive final report completed in December 1972 indicated, among other things, that watchmen, guards and investigators, or any other system of "special" police, would not suffice to make Metro safe and secure for citizens of the region, particularly because of the multiplicity of inconsistent statutes and ordinances governing "special" police in the various jurisdictions. The report recommended a regular inter-jurisdictional Metro Transit Police Force to work in cooperation with local police in order to provide maximum protection

and security for passengers, employees and property. A centralized, Metro-controlled police force was found to be essential to provide a consistent level of security throughout the transit zone. System-wide responsibility and a dedicated force responsive to Metro's special needs obviously provide the flexibility and uniformity necessary in a tri-jurisdictional system. Finally, the manpower requirements and associated cost projections indicated that a Metro-controlled police force would result in less burden on the affected jurisdictions.

The joint policing concept advocated by Metro in the proposed legislation provides for concurrent jurisdiction of Metro and local police on all transit facilities. However, primary law enforcement responsibility for the trains and the tunnels will rest with the Metro Police while the local authorities will retain primary responsibility for stations and parking lots.

Summary of the Legislation

The Bill, amends Section 76 of Article XVI to establish and maintain a regular Metro Transit Police Force, to provide for mutual aid agreements between WMATA and the various transit zone jurisdictions and to adopt uniform rules and regulations for the transit zone.

The jurisdiction of the Metro Transit Police is limited to transit facilities, except that Metro Police can make arrests anywhere in the transit zone for violations committed upon, to, or against transit facilities while in hot or close pursuit. Members of the Metro Transit Police will enforce

the laws of the signatory jurisdictions; the laws, ordinances and regulations of the political subdivisions within the transit zone; and rules and regulations of the Authority.

The powers of the Metro Transit Police are identical to those of the duly constituted police force of the jurisdiction in which the Metro Transit Police is on duty. However, a Metro Transit Police member may carry and use a weapon only in the performance of his duties or while on transit facilities in direct transit to and from a duty assignment.

Members of the Metro Transit Police also have power to serve process on transit facilities and may serve process off transit facilities, except in the State of Maryland. Prosecution of offenders will be accomplished by issuing a summons or citation; or by booking or delivering the alleged offender to a duly constituted police or judicial officer of the jurisdiction in which the arrest is made.

The Bill grants WMATA the power to adopt rules and regulations for the safe, convenient and orderly use of the transit system facilities, including payment of fares, protection and safety of persons and property, and the control of traffic and parking. If any of these rules or regulations conflict with laws, ordinances or regulations of a signatory or political subdivision, the WMATA regulation will be void within such jurisdiction. The rules and regulations will be adopted in accordance with due process. Violations of WMATA rules and regulations will be punishable, after conviction, by a fine of not more than \$250.00, and costs.

In addition, the Bill provides for the appointment, compensation, qualifications and training of the Metro Transit Police. Qualification and training will, at a minimum, equal the requirements of each signatory jurisdiction and the political subdivisions thereof for personnel performing comparable duties.

Finally, the Bill empowers WMATA to enter into mutual aid agreements with signatories and political subdivisions and for agreements as to delineation of functions and responsibilities among Metro Transit Police, fire and public safety agencies.

Mr. Chairman, the Rapid Rail System opened for passenger service Monday of this week. Public response has exceeded our expectations and, we believe, will continue to do so. I know that you share our belief that public safety and security is one of our most important responsibilities, I therefore repeat our request that this compact amendment be approved by your Committee and the Senate. Thank you very much for permitting us to appear before you today.

STATEMENT OF MAURICE J. CULLINANE

Chief of Police

Metropolitan Police Department

before the

Committee on the District of Columbia

of the

United States Senate

April 1, 1976

Mr. Chairman, I want to thank you for this opportunity to appear before your Committee on this issue of great importance to this region. On this past Monday the first leg of the Metro Rapid Rail System opened in this city. It is a showcase of what regional cooperation can produce and its designers were mindful of the System's passenger and employee security. However, as you know Mr. Chairman, architectural design and electronic surveillance are only a part of a successful security package; people are also necessary.

The success of the system will in part be dependent upon the public's confidence in the system's ability to protect their property and person. So often when crime in the District of Columbia (or anywhere else for that matter) is discussed, what results is a sterile recitation of statistics detailing the magnitude of the problem, a criticism as to what figures were not included in the count; or a comparison of the number of police per capita; seldom is attention given to prevention, desirable manpower, or allocation of available resources. I was therefore pleased when I was notified

that this Committee was interested in hearing my views on the establishment of a METRO police force, the subject of H. R. 8719 now before you.

The States of Maryland and Virginia have approved already legislation to amend the Washington Metropolitan Area Transit Regulation Compact so as to authorize the establishment and maintenance of a regular Transit Police Force possessing concurrent jurisdiction on Transit facilities with pertinent local jurisdiction police. In the District, where passage has not yet been achieved, the transit system is operating with a temporarily expanded special police force of more limited jurisdiction for the interim protection of passengers, employees and facilities.

Planning for police protection for the Metro Rapid Rail System began early. In 1972 the senior police officials of the Transit Region vocalized concern about the policing concepts of the planned rail system. At that juncture the Washington Metropolitan Area Transit Authority (WMATA) was of the preliminary view that all police protection should be provided by local police of the various constituent jurisdictions. Discussions resulted in a WMATA contract with Arthur Young and Company for a comprehensive study of alternative methods of providing police and security services for the system. The consultant firm was technically advised by a COG Metro Liaison Committee consisting of designees

from the Chief Administrator's Committee, the Police Chief's Committee, the Fire Chief's Committee, and area prosecutors.

After five months of studying manpower availability, financial impact and the comparative laws of the jurisdictions relative to transit police operations, the Arthur Young Company presented their recommendations on transit police security requirements to the COG Public Safety Policy Committee. The views of the Liaison Committee, the Report of the Consultant and the sentiments expressed in public hearings were considered by the Public Safety Policy Committee before it adopted the recommendation of establishing a joint policing concept. That concept centers around the creation of a regular Metro-Transit Police Force to provide first level security for the rail system and to cooperatively assist local police departments in policing duties.

Concurrent jurisdiction is provided for both local and Metro police on all transit facilities. Generally, local police are to assume primary responsibility for the policing of the stations and parking lots and to provide specialized or technical support as required for the Metro Transit Police. Metro Transit Police, on the other hand will be primarily responsible for protection of passengers and personnel aboard the trains, protection and transportation of revenue, and protection of the tunnels and non-revenue properties. Secondly, they are to be responsible for random patrol of the stations and parking lots.

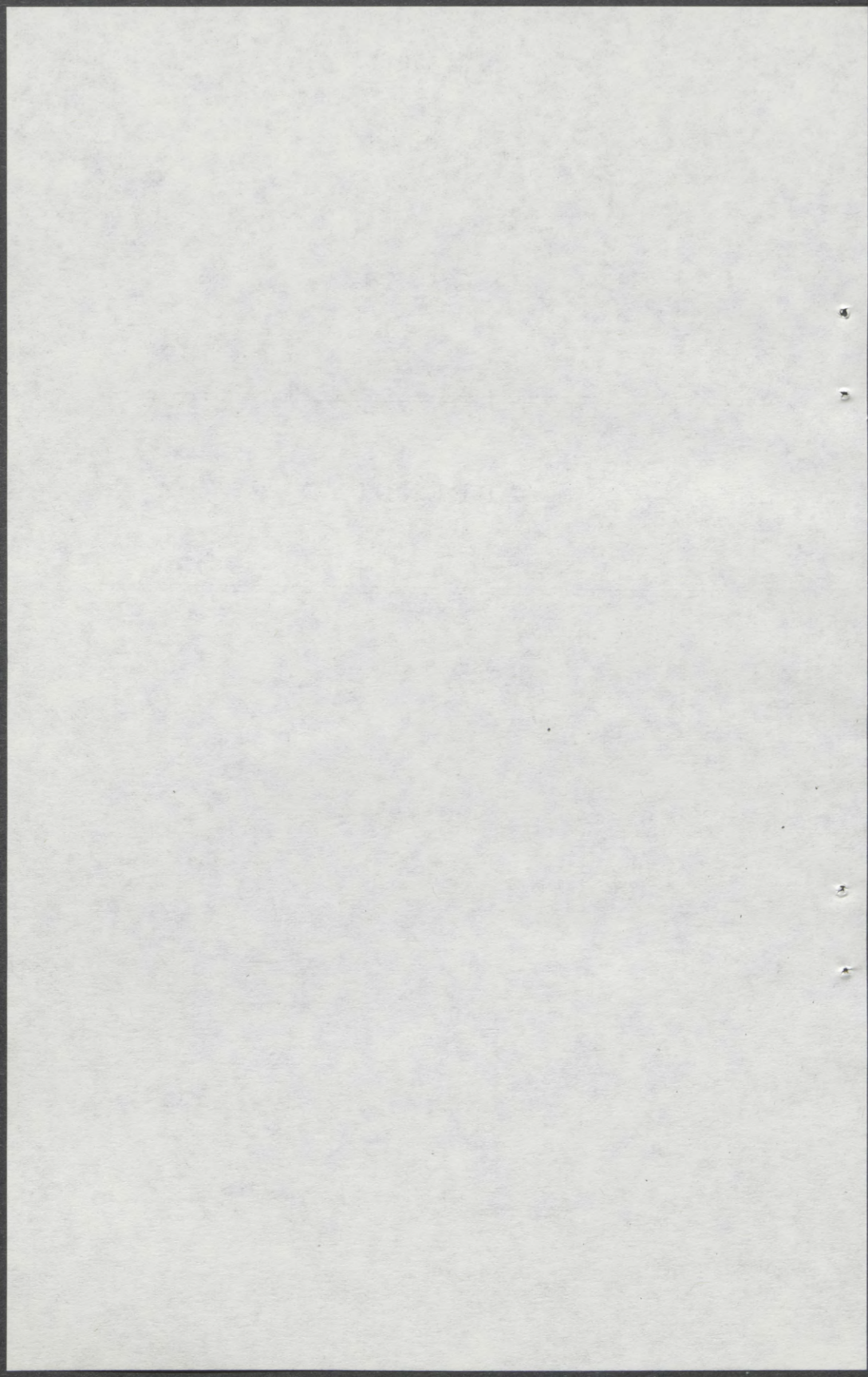
The COG Public Safety Committee recommendation for approval of the joint policing concept was subsequently approved by the WMATA Board of Directors in 1973 and appropriate proposed changes to Article I and XVI of the WMATA Compact (found in D. C. Code, Section 1-1431) were drafted in consultation with the regional governmental officials. Eventually, Compact amendments passed the legislatures of Virginia and Maryland in April and May 1974, respectively. In June of 1975 the Amendments were introduced in the District of Columbia City Council and in July 1975 Compact Amendments passed in the United States House of Representatives.

Mr. Chairman, throughout this period of development our Department's General Counsel and our Division of Planning and Development have assisted representatives of WMATA, COG, and the various legislatures in the drafting of Compact Amendment language as well as in the translating of the concept into practical operational terms. Planning and coordinating efforts are continuing with a view toward the inauguration of limited jurisdiction regular police operations by the Metro Rail System. In the interim a working arrangement has been concluded to facilitate operations between our department and Metro Transit Police as a special police force. Those arrangements involve the areas of field reporting, arrest procedures, property and evidence processing, court appearance, conduct of investigations, and such miscellaneous services as transporting, traffic and towing, and crowd control.

Mr. Chairman, we have worked long and hard on the development of the pending policing concept. We are satisfied with the cooperation and training efforts being made by the Metro Security Force. We urge rapid passage of the pending legislation because we feel that the suggested policing concept is a workable and advisable one for the protection of passengers, employees, revenues and facilities of the Metro Rapid Rail Transit; we believe that the legislation sets forth appropriate jurisdictional delineations between local police and the Metro police.

Thank you for this opportunity to express my views.
I will be happy to answer any further questions you may have.

APPENDIX





WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY

A Report On
THE REQUIREMENTS FOR
ESTABLISHING A METRO
SECURITY PROGRAM

DECEMBER 1972

ARTHUR YOUNG & COMPANY





WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY

A REPORT ON
THE REQUIREMENTS FOR ESTABLISHING
A METRO SECURITY PROGRAM

DECEMBER 1972

ARTHUR YOUNG & COMPANY

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1025 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 785-4747

December 28, 1972

Mr. Ralph L. Wood
Director of Operations
Washington Metropolitan Area
Transit Authority
950 South L'Enfant Plaza, S.W.
Washington, D.C. 20024

Dear Mr. Wood:

In accordance with the requirements of our contract to perform a comprehensive analysis of the Metro Security Program, we herewith submit the Final Report of that study. This report provides a comprehensive summary and analysis of the environment in which a Metro Security Program must function. It also contains our conclusions and recommendations together with a proposed design of the Security Program. It further contains our estimate of the required manpower, overall budgetary considerations and functional responsibility in support of such a system of security.

We believe the recommended Security Program to be equitable in principle and inherently achievable in its planned implementation. The program has been designed considerably in advance of Metro's startup date based on the best information available to us at this time. A basic program of security has been developed but structured in such a manner that it lends itself to expansion and modification as the dynamics of Metro's operations and growth may require.

It is significant to note that the proposed Security Program has been influenced by and developed in a climate reflecting the high degree of coordination and spirit of cooperation offered by all of the participating jurisdictions. We believe this climate of cooperation to be a valuable asset in the successful implementation of the proposed Security Program.

We have appreciated this opportunity to be of assistance to the Washington Metropolitan Transit Authority and will be pleased to discuss any aspect of the Report should you deem it necessary.

Yours very truly,

Arthur Young & Company

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I. INTRODUCTION, CONCLUSIONS, AND RECOMMENDATIONS

The first part of the report is a summary of the work done during the past year. It is followed by a discussion of the results of the experiments and a comparison of these results with the theoretical predictions. The third part of the report is a conclusion and a list of recommendations for further work.

The results of the experiments show that the theoretical predictions are in good agreement with the experimental data. This is a very important result, as it shows that the theory is correct. The recommendations for further work are to repeat the experiments with different parameters and to investigate the effect of the parameters on the results.

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I. INTRODUCTION, CONCLUSIONS, AND RECOMMENDATIONS

In July 1972, the Washington Area Metropolitan Transit Authority retained Arthur Young & Company to conduct a comprehensive analysis of the security requirements of Metro and to develop a program concept and a plan for the provision of security to Metro patrons, personnel and property. More specifically, the project had the following objectives:

To Define the Security Requirements of Metro

To identify the requirements for security as a basis for development and evaluation of alternative approaches to establishment and maintenance of a security system. These requirements will reflect the three basic security concerns of WMATA: protection of patrons and operating personnel; protection of Metro property; and protection of revenues generated by the system.

To Define the Existing and Potential Interjurisdictional Relationships of Area Law Enforcement Agencies with Metro

The extent to which the Metro security system may be dependent upon the capabilities and policies of existing law enforcement agencies must be determined. The Metro security program can only be effective to the extent that it operates in concert with the agencies of the jurisdictions which it supports.

To Develop Alternative Approaches to Meeting Metro Security Requirements

Alternative approaches to meeting the security requirements of Metro must be developed for consideration of WMATA. These alternatives must be viable, cost effective, and consistent with the basic policies and objectives of WMATA. They must be responsive to the concerns of the future patrons of the system, the requirements of concerned law enforcement agencies and local government, and establish a realistic basis for selection of an optimum approach to Metro security.

To Define the Requirements for Legislation in Support
of an Optimum Security Program

The multi-state, multi-jurisdictional environment of the planned Metro System requires establishment of reasonably consistent laws and ordinances defining the authority and responsibilities of law enforcement agencies, the courts, local government, and WMATA. The areas of concern will include venue, extradition, and extra-territorial authority.

To Establish a Security Program Management Plan

An optimal security program must be defined and a plan developed for its further design and implementation. This program definition is to include a clear statement of the functions of the program, the responsibilities for performance of those functions, organizational and staffing definitions, communications and information requirements, and estimates of program cost. The implementation plan will set forth the steps required for establishment of the system, responsibilities and schedules for their accomplishment, and budget projections.

1. GENERAL CONCLUSIONS

A systematic investigation of the existing operational modes of other transit systems and of the environment in which Metro will operate generated a significant quantity of information bearing on establishment of a Metro security program. Analysis of that information generated the following conclusions:

Public Confidence in Their Personal Safety and Comfort
Will Have a Significant Effect on System Revenues

A high level of ridership will be required to generate the revenues necessary to support system operations. An effective capability must be established which can minimize potential threats to public safety. Without such a capability, ridership will be limited to those persons without other transportation alternatives and adequate revenues will not be generated.

Related to the requirement for protection from personal harm is the necessity for Metro to convey a strong and continuing interest in the security and comfort of its patrons. This will best be demonstrated by its willingness to perform acts of personal aid and assistance to patrons of the system.

System Security Must Address a Wide Range of Potential Conditions

In addition to the most obvious concerns associated with criminal or other forms of anti-social behavior, Metro's security program must encompass a wide range of concerns including crowd management, sabotage and vandalism, theft of Metro property and "fare beating", and various other forms of potential hazard such as fire, structural or equipment failure, and response to individual emergencies such as illness or accidents.

There are Indications That Area Residents Believe Adequate Security Can be Maintained

Interviews with informed citizens did not indicate general anxiety regarding the personal safety of the riding public. There is, of course, a recognition of the potential for criminal or anti-social behavior in a mass transit environment. The citizens interviewed, however, were prepared to accept the premise that effective countermeasures could be developed and that ridership will be high until it is proved that adequate security is lacking.

A Consistent Level of Security is Required Throughout the System

Evaluation of the station locations throughout the system indicates wide variations in the apparent requirements for application of manpower. These variations are occasioned by such factors as station design, traffic volumes, and individual characteristics of the neighborhoods in which the stations are located. A basic level of security is required for all locations with additional coverage needed to respond to special requirements.

Input from other transit systems makes clear the benefits of a dedicated force of personnel committed to maintenance of the basic level of coverage. These personnel are most effective if they are granted system wide responsibility allowing flexibility in response to demands throughout the system.

Support capability, over that basic level supplied by the dedicated force would be suitable to cover peak hazard periods or to supply continuing patrol in areas where this is required. A management control mechanism, with system wide concern, appears essential to coordinate all security resources available to the system.

Legislation Will be Required to Allow a Consistent Level of Law Enforcement

System wide law enforcement activity will require passage of common legislation applicable in all of the jurisdictions in which the system operates. The fact that the system crosses jurisdictional boundaries and system wide enforcement authority may be required, presents complex issues such as authority, venue, pursuit, and extradition. Metro may also require the authority to establish ordinances peculiar to system operation which would be recognized by local jurisdictions.

Detailed Plans are Required to Cover Contingencies and Multi-agency Activity

Policy and operating procedures are required which specifically define countermeasure tactics for each of the basic contingencies to which the system is exposed. This is particularly important when more than one authority group is involved. For example, the procedures for acquiring response from fire and rescue capabilities of local jurisdictions must be established. Each of these organizations must be directly involved in development of these policies and procedures.

Training in Special Security Requirements of Metro Must be a Continuing Program Element

Metro will be dependent upon the manpower and resources of local police, fire, and rescue organizations to complement their own security forces. Metro personnel must, of course, be trained to operate in this environment and this training must be regularly augmented to assure optimum response capability by this group.

Local police, fire, and rescue forces must be trained to both effectively respond to demands for their services and to function safely in the Metro environment. The characteristics of high speed trains, control and power systems, tunnel configurations, communications procedures, and location of emergency equipment must be known by personnel who are to be assigned security functions within the Metro system.

• Direct Tunnel to Surface Communication is Required
by Local Police, Fire, and Rescue Units

Personnel supplied by local jurisdictions will require direct command communication with their forces working in tunnels or underground station areas. Such a communications capability has not been designed as a part of the existing system.

2. BASIC RECOMMENDATIONS

The principal objective of this survey was to determine the organizational and legislative requirements for establishment of an effective Metro security program. While additional proposals are made in the body of the report, the following are the primary survey recommendations:

(1) Metro Security Should be the Joint Responsibility
of WMATA and Local Jurisdictions

- WMATA should assume the responsibility for program definition and system wide coordination of the resources available to achieve the objectives of the security program.
- WMATA should assume full responsibility and establish capability for patrol of trains, revenue protection, and security of the system yards and office control center building. WMATA security personnel should also perform a basic level of patrol of system stations on a random (but planned) selective enforcement basis..
- Local police jurisdictions should assume responsibility for patrol and security of Metro stations and parking lots at a level commensurate with the requirements for protection of patrons and property at each location. Levels of patrol have been defined as:
 - Posting of officers
 - Intensive patrol
 - Routine patrol, and
 - Response to requests for assistance (the Metro random patrol is considered adequate for normal security).

- . Local fire and rescue agencies would respond to all requests for support at Metro facilities within their jurisdictions. They will respond to requests for support in other jurisdictions when requests are made by their counterparts in those jurisdictions.
 - . WMATA kiosk attendants should continuously monitor activities and conditions in stations by use of full coverage remote cameras and shall be responsible for summoning aid when conditions require coverage beyond that capability present in the station.
- (2) States, the U.S. Congress, and Possibly Local Jurisdictions Should Pass Legislation that Will Facilitate Implementation of Metro's Security Program

Legislation should be drafted and passed in each of the jurisdictions in which Metro operates which will:

- . Authorize Metro to appoint and swear law enforcement officers, with system wide authority, who qualify under the most stringent qualifications existing in the transit zone.
- . Authorize full police powers to sworn Metro officers including arrest without a warrant on probable cause, for all offenses occurring on Metro property and all continuing offenses involved on Metro property.
- . Authorize fresh pursuit by Metro officers in the above circumstances.
- . Establish the venue of crimes committed on trains in uncertain locations as concurrent in both jurisdictions whose boundaries are involved.
- . Authorize Metro to establish Regulations, following appropriate hearings, the violation of which are subject to criminal penalty.

Establish maximum criminal penalties for the violation of Metro Regulations.

II. THE METRO SECURITY PROGRAM ENVIRONMENT

II. THE METRO SECURITY PROGRAM ENVIRONMENT

1. BACKGROUND

A security system for the Metro rapid transit (rail) system is defined as a functional and integrated capability for the protection of persons using or operating Metro and of the resources which comprise the transit system. The basic elements of protection involve prevention or deterrence of acts or conditions which threaten the safety or welfare of those persons or resources and corrective or remedial action to limit the effects of such acts or conditions when they do occur.

An effective security program must be an integral element of WMATA operating policy and be considered as essential to transit operations as safe equipment design and operation. Metro security will be a concern of all persons involved with operation of the system and of the citizens and public servants of the jurisdictions in which the system operates.

Direct responsibility for the security program, however, must be assigned and administered by persons with the special capabilities and authority to assure the achievement of the program objectives. Their responsibilities will include direct action to prevent or deter criminal activity and other forms of anti-social behavior and for enforcing laws and ordinances on Metro properties. They will provide (or acquire) emergency assistance to patrons or operating personnel in cases of illness or injury. They will also plan and direct appropriate response to such emergencies as fire, flooding, or structural disasters.

Metro is designed to serve as a highly sophisticated regional rapid rail transit system. The service planned is for two minute rush hour headways on main routes at train speeds of up to 75 miles per hour. Metro system passenger loads are forecast to reach levels of 252,000 patrons at the average peak two hour morning ridership period. There will be an average weekday patronage of 959,000 riders. The

Metro system is capable, therefore, of attracting and transporting large concentrations of passengers quickly from one area to another.

Little effort has been spared in the design of the system to assure the safety and comfort of the patrons of the system. The mechanical components of the system, from the stairways to the automatic train controls, are the most up-to-date concepts in rapid transit design. There are, however, limits on the extent to which the safety and well being of patrons can be designed into the physical components of the system. The designed components of the system must be augmented by manpower; manpower capable of meeting challenges for which no mechanical device could be fully responsive.

(1) Representative Security Problems of Transit Systems

The concerns of system security include a wide range of potential situations which are inherent in transit systems. These include:

- Crowd Management -- Operations will involve large concentrations of passengers in comparatively restricted areas. Stations and trains are designed for these volumes. However, interruptions in service or excessive demands (such as a football crowd) will require specialists in crowd management to maintain traffic flow and avoid the dangers of panic.
- Sabotage and Vandalism -- The highly sophisticated equipment and facilities of the system must be protected. Access to sources of power and automatic controls, for example, must be denied to all but those specifically concerned with their maintenance or use. The stations and trains are particularly vulnerable to vandalism such as seat slashing and marking of walls.
- Crimes and Anti-Social Acts -- Concentrations of persons in a transient environment create hospitable environment for commission of undesirable social acts such as cursing, spitting, or minor forms of assault. The anonymity afforded by crowds also facilitates such acts as pick-pocketing. Without protection, individual patrons would also be subject to such acts as collective harassment, robbery, and battery, particularly during periods when rider volumes are low.

- Theft of Metro Property -- Transit systems have been known to have suffered theft of almost any type of property that could be removed including signs, towel dispensers, locks, etc. The design of the Metro facilities, however, is such that there will be little opportunity for this activity. Special and continuing attention must be given, however, to protection of the system revenues, particularly at times when they are being collected at the stations or being transferred from the central vault area for deposit.
- "Fare Beating" -- A nuisance crime of continuous concern to transit systems is the practice of riding the system without paying fare. Although mechanical means have been designed to limit this activity, ingenious as well as blatant means are continually devised by passengers to achieve this end.
- Personal Aid -- With large volumes of patrons moving through the system, there will be a continuous demand for assistance to individual persons. This need may result from physical or mental illness on the part of an individual or from accidents occasioning trauma requiring emergency aid. Transit systems also must develop counter measures to limit the use of Metro facilities for commission of suicide as the open platform gives comparatively easy access to fast approaching trains and to the energized third rail.
- Catastrophies -- Fire, noxious fumes, and structural or equipment failures within the system all have particularly hazardous implications when one considers the numbers of persons who might potentially be involved within the confines of a station or train. Emergency procedures must be preestablished and resources must be available to limit the effects of such conditions.

(2) The Importance of Prevention

The actual potential for occurrence of these conditions cannot be calculated with any degree of accuracy. Each system, and each location within that system, represents a wide range of variables. It is clear, however, that resources expended to limit the incidence of occurrence and their effect when they do occur is well spent. Prevention is less costly to a system than concentration of resources on response.

The costs of operating and maintaining Metro, as well as those associated with depreciation and transit bond debt, must be covered by operating revenues. A comparatively high and

sustained level of ridership will be necessary to generate the required revenues. The President's Commission on Law Enforcement and Administration of Justice found that crime affects the use of public transportation. The implication of the data collected in their report was that urban transit systems have suffered a loss of ridership due directly to the problem of fear of victimization. While this loss was difficult to estimate, it was clear that "fear of crime" is an important consideration in the decision to use or not to use public transportation systems.

Another factor drawn from other mass transit studies indicated that the low income group of patrons was much more concerned with safety from criminal victimization than was the middle or high income patron since these latter two groups were not forced to ride the system. Their economic position allows use of alternative modes of transit such as private automobiles. Particularly affected are those persons who have no alternative means of transportation such as the elderly, the poor, the inner city resident and comparable groups. Public transportation systems such as Metro can fulfill a civic duty by providing a safe system to these economic and social groups. It is also in Metro's financial self-interest to do so.

It is important to recognize that public tolerance for a lack of protection is limited and if the initiative is not taken to provide a rational and comparatively effective level of preventive security, the public may assume that initiative. For example, several dramatic incidents have occurred on the New York City Metropolitan Transit System (subway) against a background of public awareness that the "subway" was the scene of a high level of criminal activity. These occurrences precipitated a public demand for establishment of "blanket police patrol." This type of patrol involves stationing a policeman at every station (477 stations) and in every train between the hours of 8:00 P.M. and 4:00 A.M. The 1973 fiscal year budget for security of the New York City Metropolitan Transit System is in excess of \$103 million.

The costs of changing established crime patterns are very high. "Blanket patrol" may or may not have been justified but the citizenry would accept no less. If reasonably effective measures for deterrence are not established and implemented, then public demand may be created for unreasonable measures.

WMATA has a unique opportunity with regard to the design and implementation of a security program for Metro. This opportunity exists because Metro is a totally new and functionally designed modern system, unencumbered with station and other facility-structured design characteristics which aid and abet the criminal. In addition, since it is also unencumbered with established practices of security patrol methods, security organizational heirarchies and staffing patterns, Metro can introduce innovative techniques in these areas which are fully compatible with its objectives of maintaining a high level of public confidence as well as operational efficiency.

2. OBJECTIVES OF THE SECURITY PROGRAM

The objectives of the Metro security program are readily defined and they may be stated in their descending order of priority. They are:

- . Protection of the patron
- . Performance of personal services and provision of aid in emergencies
- . Protection of Metro operating personnel
- . Protection of Metro facilities
- . Protection of Metro revenues

(1) Protection of the Patron

Protection of the patron is defined as insuring, through modes of prior prevention as well as immediate reaction to incidents, that the patron is protected from personal victimization. Overt victimization may be experienced, i.e., a direct assault

against a person or his property through an individual or collective criminal action. Such a victimization might conceivably occur in or on any Metro properties utilized by patrons. Another form of victimization could take the form of exposure to the anti-social behavior of other patrons which, while not criminal in nature, could be disruptive and very annoying. These acts include public drunkenness, obscenity and boisterousness.

The security system can protect the patron through such direct means of prevention as an initial and obvious presence of a security capability which, for example, could take the form of a uniformed security officer. Continuous surveillance of station areas by station attendants and on call response which would terminate criminal activity before it is accomplished would also support accomplishment of this objective. The security program must convey to the patron a feeling of safety and security when he is in the system.

(2) Performance of Personal Services and Provision of Aid in Emergencies

Performance of personal services and the provision of aid in emergencies requires an additional type of capability to be present. Personal services include the rendering of a direct service to the individual patron by servicing his specific requirements under normal conditions or conditions abnormal to the patron such as personal illness. The providing of aid in emergencies includes those situations which present a danger to patrons such as fires, train derailment, and power failures. In each instance, however, the emphasis is upon the protection of the patron whether individually or collectively. The patron must be confident that he can receive aid or assistance under any condition where he cannot help himself.

(3) Protection of Operating Personnel

Metro operating personnel are highly diversified not only in required skills, but also in their physical location throughout

the operating system, the duties they perform and the hours of the day or night on which they are on duty. While train operators, kiosk attendants, central office management and control center technical personnel are on duty during patron hours, a separate staff is operating during nonpatron hours such as track maintenance and station cleaning crews, train riding revenue collectors, second and third shifts of control center personnel and other functional staff. The Metro security system must maintain the inherent capability of protecting its employees at all of its locations from the potentiality of personal victimization and dangers inherent in the system at a level of response nearly equal to that which it would provide for its patrons.

(4) Protection of Metro Facilities

Ultimately the Metro regional rapid rail transit system will represent a capital investment of \$2.98 billion dollars. This investment is geographically distributed over two states and the District of Columbia. Physically Metro will consist of 86 stations, a rolling stock of 556 cars, 95 mezzanines, 98 route miles of track, train inspection shops, repair yard facilities, an Office Control Center Building and other facilities.

The safety and security of these facilities and equipment relates directly to the safety and security of Metro's patrons and employees. The design and implementation of a system of security must encompass the requirements of facility protection and integrate these conditions with the requirements for security of patrons and employees in order to develop a methodology and form of security which functions as a cohesive whole.

A need will exist for security of Metro facilities even before the system goes into operation. Protection will be required for Metro stations and other facilities completed or partially completed. These facilities will not be operational for patron use but will be operational for testing of contractor-developed facilities prior to turnover and acceptance by Metro.

This interim stage of station and other facility completion presents a special type of security and safety requirement distinctly different from that required by finished facilities available for general use. The forms of security required will include protection against vandalism of expensive equipment representing a long lead time in procurement, protection of contractor and Metro personnel against safety hazards of highly charged electrical equipment under test, and of trains testing the road bed. Protection of facilities under construction will be required for approximately 24 calendar months in parallel with protection of completed and operational facilities.

(5) Protection of Revenues

The planned revenue handling systems involve automatic fare collection devices capable of functioning in an unattended mode and capable of implementing the various methods of graduated fare computation and control and use of stored value magnetic tickets. Each station will include a full complement of automatic fare collection equipment including change makers, ticket vending machines, barrier devices and readers. The re-charging of these automatic vending machines as well as the collection of the revenues will be performed primarily during the nonoperational hours of the system, between 1:00 A.M. and 5:00 A.M. Revenue trains will be running through the system during these hours to transport these monies to a holding area for excess revenues, styled as a vault, in the Office Control Center Building. It is anticipated that on some occasions large amounts of money may be accumulated in this holding area until transported by armored cars to local banks.

The security requirements of this type of operation are quite different from those posed by other parts of the Metro system. Revenue protection will involve the use of audio alarms and sensory devices on vending machines, closed circuit television cameras to monitor the revenue storage area, the use of dedicated elevators as well as guards riding the revenue collection trains.

3. PRINCIPAL FACTORS INFLUENCING SECURITY PROGRAM DEVELOPMENT

The ultimate success or failure of a security program for Metro will be governed by the extent to which five factors were considered during the development of the program. While their relative values are not equal, to ignore any one of them would reduce the chances of establishing a security program which will meet Metro's objectives. These factors are:

- . Public Confidence
- . Program Costs
- . Management Control
- . Legislative Effort
- . Jurisdictional Interface.

(1) Requirements for Public Confidence

Public confidence is defined as the passenger-patron's sense of personal security from the dangers of mechanical system failure, personal attack or from various forms of harassment and anti-social behavior while using or on Metro properties. This confidence must be felt by the patron in all of the facilities associated with the system such as trains, stations, and parking lots. In the selection of the most feasible system of security from among a number of alternate methods, that alternative offering the characteristics most likely to attain public confidence in the system would deserve the highest level of consideration.

(2) Impact of Costs and Overall Economics

In designing a system of security, the implications of cost are inescapable. There are practical limits on the availability of funds to support the security program. The marginal utility of attaining an additional degree of public confidence must be weighed against the costs of acquiring that capability. The costs of system security will be paid by the citizens of the area, either from fare revenues or from some form of public levy.

The determination of system security costs must include all of those direct and indirect costs specifically identifiable with security operations. These include:

- . Manpower assigned to performance of security functions as opposed to system operations. Kiosk operators, who perform security functions among their other duties, were not considered security personnel in this study's cost analyses. The costs of law enforcement personnel, sworn or unsworn, employed by Metro or other existing law enforcement agencies, are all considered in costing out the security program.
- . Equipment in the form of personal support equipment for the security manpower force, and surveillance alarms, fire detection devices, and systemwide communications and their related maintenance.
- . Management costs in the form of direct and indirect field and administrative supervision.

An additional consideration in evaluation of the cost problem is the extent to which the costs of Metro security will be paid out of the budgets of local or Federal Government agencies rather than directly from Metro revenues. Metro will be dependent, to a greater or lesser degree, on support from local or Federal agencies. The level of expected support from these sources will be conditioned by their individual budget constraints.

(3) Need for Management Control

Management control involves assuring that responsibility is clearly assigned for performance of security functions, that the necessary resources are available for accomplishing those functions, and that mechanisms are established to assure their performance. Management concepts exist for both centralized and decentralized control. However, any program and organizational concept must be evaluated as to its ability to attain and maintain a consistent and responsive level of security for Metro in the Washington Metropolitan area environment.

(4) Legislative Efforts

Metro is faced with the requirement for providing security across a transit zone covering the District of Columbia, portions of two states which encompass four counties, several independent cities and other municipal corporations. It was recognized that each of these individual governments has varying laws, ordinances and regulations, as well as law enforcement and judicial processes which have significance for the Metro security program.

A most important question which requires addressing is the feasibility of attempting required legislation to obviate the potential constraints of unique laws of individual jurisdictions which could handicap a systemwide security program designed for a multiple jurisdictional setting. A related consideration is the practicality of implementing such legislation in multiple jurisdictions once it is achieved.

(5) Interjurisdictional Coordination

Governmental bodies are, by their charters, parochial in their concerns. Interagency and interjurisdictional coordination is generally formal and stylized. While a body of rules may be developed and agreed to which specify the relationships and responsibilities of these agencies and organizations individually and collectively, there must be a willingness on their part to achieve the spirit as well as the letter of those agreements.

It has been illustrated repeatedly that, lacking a spirit of cooperation and effective coordination in a multi-agency, multi-jurisdictional environment, the best system design will fail to fully meet its objectives. Conversely, marginal systems have proven highly successful where those involved have been highly motivated toward achievement of system objectives.

To be successful, the design of the Metro security program must be recognized by all involved agencies and jurisdictions

as practical, consistent with their internal objectives, and equitable in its allocation of responsibilities. The mechanisms established for management control must be fair and recognize the internal pressures which are placed on all participants.

III. SELECTION OF THE SECURITY PROGRAM CONCEPT

III. SELECTION OF THE SECURITY PROGRAM CONCEPT

This section of the report summarizes the basic methodology and rationale upon which the selection of the recommended security program concept is based. The objective of this process was to define an organizational and operational concept which would be most likely to be responsive to the projected requirements for Metro system security and which would be viable within the political, economic, social, and legislative environment of the Washington Metropolitan area. An approach which was optimal from an operational standpoint (most efficient and responsive) might not be achievable within that environment.

The process to be described here was composed of five relatively sequential steps. These were:

- . Determination of the current state-of-the-art in rapid transit security
- . Determination of the environment in which the security program must operate
- . Definition of alternative security program organizational models
- . Comparative evaluation of alternative concepts
- . Selection and detailed confirmation of the most viable concept

These steps are summarized in the following paragraphs.

1. SURVEY OF EXISTING TRANSIT SYSTEM SECURITY PROGRAMS

Inspection visits were made to five existing rapid transit systems to gain a general understanding of the current state-of-the-art in rail transit system security. During these visits the study team had the opportunity to observe the operational transit systems themselves and the security program in operation. Interviews were held with

system personnel on all aspects of their security program including their existing problems and planned improvements to their programs. Suggestions were also solicited as to approaches which WMATA might profitably investigate in the development of a new system.

The systems visited were:

- . Port Authority Trans Hudson (PATH), New York-New Jersey
- . Port Authority Transit Corporation (PATCO), Pennsylvania-New Jersey
- . Chicago Transit Authority (CTA)
- . Metropolitan Transit Authority, New York City
- . Montreal Urban Community Transit Commission

The San Francisco Bay Area Rapid Transit System (BART) was not visited by the study team as complete documentation on their proposed security program was available for its use.

The findings of this investigation were thoroughly documented for later evaluation of Metro security program alternatives. Exhibit I, on the following page is representative of some of the types of data collected. Information was also collected on the specific kinds and the extent of security problems existing on those systems. Inquiry was made in other areas such as security officer selection and training, equipment, program costs, scheduling patterns and countermeasures, legal problems and many other items.

Very few of these transit systems had the opportunity of initially planning a comprehensive security program and implementing it concurrently with system start up. For example, security manpower levels may have been based on an arbitrarily fixed budget limitation (BART) or by use of arbitrary system wide patrol criteria (one man per train) in response to citizen demand for protection. As a result, no approach was found which would allow Metro to compare its security requirements directly with those of another system and to thereby determine the resources needed to meet those requirements.

EXHIBIT I

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
SECURITY PROGRAM PROJECT
TRANSIT SYSTEM FEATURES COMPARISON CHART

TRANSIT SYSTEM NAME	YEAR OF COMMENCING OPERATION	MILEAGE LENGTH	NUMBER STATIONS	DAILY PASSENGERS	TYPE OF SECURITY FORCE	SIZE OF SECURITY FORCE	SCOPE OF SECURITY FORCE	RUSH HOURS	HEADWAY SLACK HOURS	METHOD OF FARE COLLECTION	HOURS OF OPERATION
PORT AUTHORITY TRANSIT CORP.	1968	14.5	12	37,500 MON.-FRI.	PORT AUTHORITY TRANSIT CORP. OWN FORCE	17 4 PER HOUR SHIFT	TRAINS STATIONS PARKING LOTS	5 MINUTES	10-20 MINUTES	CHANGE TICKET MACHINES	24
PORT AUTHORITY TRANS-HUDSON	1904 1962	14	13	145,000 MON.-FRI.	PATH FORCE	96	TRAINS STATIONS	2-5 MINUTES	10 MINUTES	AUTOMATIC TURNSTILE AND CHANGE MACHINES	24
NEW YORK CITY METROPOLITAN TRANSIT AUTHORITY	1912	(237) 578	477	4,100,000 MON.-FRI. 1,700,000 SAT. SUNDAY HOLIDAYS	METRO TRANSIT AUTHORITY TRAINED POLICE (OWN ACADEMY)	3383 CORE FORCE OF 200 MEN PER SHIFT HANDLING TO APPROX. 700-800 MEN PER SHIFT	TRAINS STATIONS BUSSES	7 MINUTES		(CASH BOOTH TOKEN TURN- STILES) TOKEN	24
CHICAGO TRANSIT AUTHORITY	1940	190	137	1,000,000 MON.-FRI.	CHICAGO POLICE DE- PARTMENT TRANSIT SECURITY	254 57 311	TRAINS STATIONS PARKING LOTS BUSSES				24
MONTREAL URBAN COMMUNITY TRANSIT COMMISSION	1966	16	28 THREE LINES, ALL SUBWAY	400,000 MON.-FRI.	METRO- POLITAN POLICE	81 UNI- FORMED 5 SECRET 2 DIRECTORS	TRAINS STATIONS	3.2 L. 6 MIN. UTES PER LINES PER CARS PER TRAIN 1 TELEMET	6 AND 10 MIN. UTES CARS PER TRAIN	FARECARD	20 5 A.M.-1 A.M.
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY	1974	98 38.4 D.C. 29.7 MD. 28.1 VA. 50 SUBWAY, 44 IN D.C. AND 6 IN VA. 36 SURFACE 20 IN VA.	88 55 SUBWAY 31 SURFACE ON AERIAL	950,000 MON.-FRI. 252,000 A.M. PEAK 287 MILLION ANNUALLY BY 1980			TRAINS STATIONS PARKING LOTS	2 MIN. UTES MAIN STATIONS 8 CARS PER TRAIN 4-8 MINUTES BRANCH LINES	3 CARS PER TRAIN	MAGNETIC FARECARD STORED VALUE	20 HOURS 5 A.M.-1 A.M.

The team was impressed by the need for a continuing basic level of system security coverage maintained by a dedicated force. This need results from the special characteristics of transit security compared with other types of law enforcement. This basic dedicated force must not be subject to other law enforcement priorities external to the transit system but may be supported, as required, by external capability. Public confidence can best be gained by the existence of such a capability.

The physical appearance of the stations and the trains seems to bear a direct relationship to the level of anti-social behavior occurring on the system. For example, PATCO's attention to cleanliness, repair of equipment and good lighting, and immediate removal of graffiti has apparently had the effect of limiting such activities as seat slashing, defacing of walls with spray paint, and other types of offensive behavior.

Along with these and other conclusions, the team was continually reminded of the necessity for expanding the concept of "security" beyond matters concerning criminal activity. A security program must also include contingency plans and special training programs to assure that immediate and effective countermeasures are brought into play which will limit the effects of all hazardous conditions which might affect patrons and system operations.

2. DEFINITION OF THE SECURITY PROGRAM ENVIRONMENT

Following the visits to other transit systems, the study team began a systematic inquiry into the characteristics of the Metropolitan Washington area which would influence the design of the Metro security program. This activity included (1) interviews with citizen leaders in the community (2) meetings with representatives of local and federal government agencies which might be affected by or have an influence on the success of the program (3) determination of pertinent operating characteristics of the Metro system and (4) acquisition of specific data on current and projected crime data in system areas.

(1) Citizen Interviews

From the outset of this study there has been a continuing recognition of the importance of public confidence to the success of Metro. It was essential that the attitudes and concerns of the future patrons of the system be considered in the design of Metro's security program. Interviews, lasting from one to four hours each were conducted with seventeen citizen leaders of the community. These people were either representatives of citizen groups in the area or had, by their past activities, shown themselves to be knowledgeable of both the proposed system and the concerns of the residents of the area.

The interviews were unstructured and concentrated on eliciting statements of their views on assuring the personal safety of patrons of the system and their recommendations as to how Metro might best assure the security of citizens and the system. The response of these individuals was very good. However, they confirmed that the general public had only general knowledge of this aspect of rapid transit operations.

Among the citizens interviewed, and they represented a very wide range of public attitudes, there did not appear to exist any general anxiety regarding the personal safety of future patrons of the Metro system. They did recognize that there exists a potential for such conditions as individual or collective harassment of patrons. The implications of these types of anti-social behavior in moving trains or closed stations would be great on the extent to which persons will freely use the Metro to meet their everyday transportation needs.

The concerns for rider safety, cited in these interviews, were documented for use by the project team and were useful in developing the design of the security program.

(2) Metropolitan Area Local and Federal Government Interviews

Official representatives of each of the jurisdictions making up the Washington Metropolitan Area were interviewed to assure consideration of the basic economic, political, legal and administrative factors which might influence the establishment and maintenance of an effective Metro security program. Approximately thirty separate interviews were conducted in both federal and local government agencies. Persons interviewed included police chiefs, public prosecutors, fire chiefs, city and county administrators and executives and other public safety officials. Exhibit II illustrates the coverage of these agencies by the study team.

In no other way could the project team acquire such a "first hand" understanding of the potential implications of Metro on these agencies and the extent to which they might actually be involved in achieving the objectives of the security program. It is essential that conflict with the objectives of these agencies be minimized and, where possible, the Metro security program should compliment local public safety activities.

It should be remembered that, during the course of this study, the team had the continuing advice and counsel of the Washington Metropolitan Area Council of Governments liaison committee. This group, made up of persons having special knowledge of all areas of public safety, contributed mightily to the team's clear understanding of the implications of the information acquired from governmental agencies.

(3) Definition of Security Related Operating Data

A wide variety of Metro reports, plans, and working papers were reviewed and analyzed by the team and discussed with WMATA personnel. From this review was derived a fairly clear picture of the anticipated Metro operating environment.

METRO SECURITY SYSTEM PROGRAM
LOCAL GOVERNMENT INTERVIEWS

	<u>Police Chief</u>	<u>Prosecutor</u>	<u>Executive</u>	<u>Legislators</u>	<u>Total</u>
State of Maryland	X				1
Montgomery County	X	X		X	3
Prince George's County	X	X	X	X	4
State of Virginia				X	1
Arlington County	X	X	X	X	4
Fairfax County	X	X	X	X	4
City of Fairfax	X				1
City of Alexandria	X	X	X		3
City of Falls Church	X	X			2
District of Columbia	X	X		X	3
U.S. Park Service	X				1
Other Federal Agencies	X	-	X	-	2
	<u>12</u>	<u>8</u>	<u>5</u>	<u>7</u>	<u>32</u>

Data collected and analyzed included:

- . Facility and equipment plans
 - Station and OCCB configurations
 - Size and locations of parking lots
 - Communications equipment
 - System implementation schedules and phasing
- . System operation
 - Station to station times
 - Train frequency
 - Station dwell time of trains
 - Revenue security plans
- . Passenger volume projections
 - By time of day
 - Modes of arrival and departure

Exhibit III is representative of the types of data portrayals prepared for analysis.

(4) Development of Criminal and Enforcement Data

A detailed inquiry was made of law enforcement agencies in each of the local jurisdictions in which Metro will operate. The objective of this inquiry was to gain knowledge of the existing law enforcement capability in each of those jurisdictions, their methods and costs of operation, and to benefit from their special knowledge of enforcement problems in their areas.

This inquiry was also intended to derive crime statistics as a basis for projecting the need for system patrol and to discover any potential variations in the level of coverage needed for individual station locations.

EXHIBIT III

SPECIAL ANALYSIS OF STATIONS WITH PARKING LOTS

STATION	PARKING NUMBER OF SPACES (MAJOR)	TYPE OF STATION T - TERMINAL M - INTERMEDIATE S - SURFACE U - UNDERGROUND	NEXT JURISDICTION			PEAK HOURS		KIDS 'N RIDE NUMBER OF PASSENGERS DROPPED OFF	BUS	
			1	2	3	NUMBER OF PASSENGERS ARRIVING	NUMBER OF PASSENGERS DEPARTING		NUMBER OF PASSENGERS ARRIVING	NUMBER OF PASSENGERS DEPARTING
VIRGINIA	2000	S				4742	462	600	2778	482
	2000	S				2260	126	440	238	125
	2000	S				2150	61	462	208	57
	2500	S								
	500	S								
MARYLAND	1000	S				1460	141	270	1620	141
	1000	S				1910	281	208	1020	280
	500	S				872	56	44	483	56
	500	S				3012	520	446	1881	292
	500	S				3596	407	179	2015	364
	500	S				3003	320	286	2011	320
	1000	S				3381	468	430	4351	455
	500	S				2884	413	193	1913	172
	1000	S				2134	497	118	1240	114
	1000	S				1823	853	23	1193	569
	500	S				1799	277	152	89	363
	500	S				1799	277	152	89	363
	500	S				1799	277	152	89	363
	500	S				1799	277	152	89	363
	500	S				1799	277	152	89	363
D.C.	500	U				3049	44	138	1869	44
	500	U				1927	272	98	144	14
	500	U				1806	826	97	1346	226

Initially, data was collected on the characteristics of the individual local police agencies including information such as that portrayed in Exhibits IV and V. Then, preliminary data was requested from those jurisdictions on the current incidence of crimes against persons and against property in each of the station areas in their jurisdictions. Police agencies were also asked to estimate the probable requirements for patrol of those stations and the "one man beat costs" (basic, backup, and overhead) for their jurisdiction. Even with assistance from team personnel, the local police agencies had difficulty in supplying all of the requested data. Significant variations existed in local crime reporting practices and the resources available for data accumulation. Exhibit VI illustrates the variability of the data submitted by each jurisdiction.

A second questionnaire was prepared for completion by these agencies. This questionnaire requested definitions of projected levels of criminal activity (high, medium, low, negligible) in each station area for the period when each station will become operational. Generally, current crime statistics were used as a basis for comparison. In addition, these agencies were asked to indicate their level of confidence in their projections and the most significant police problems (both criminal and noncriminal) anticipated in each station area. Estimates were also made as to the anticipated change in local patrol requirements which would result from activation of each Metro station.

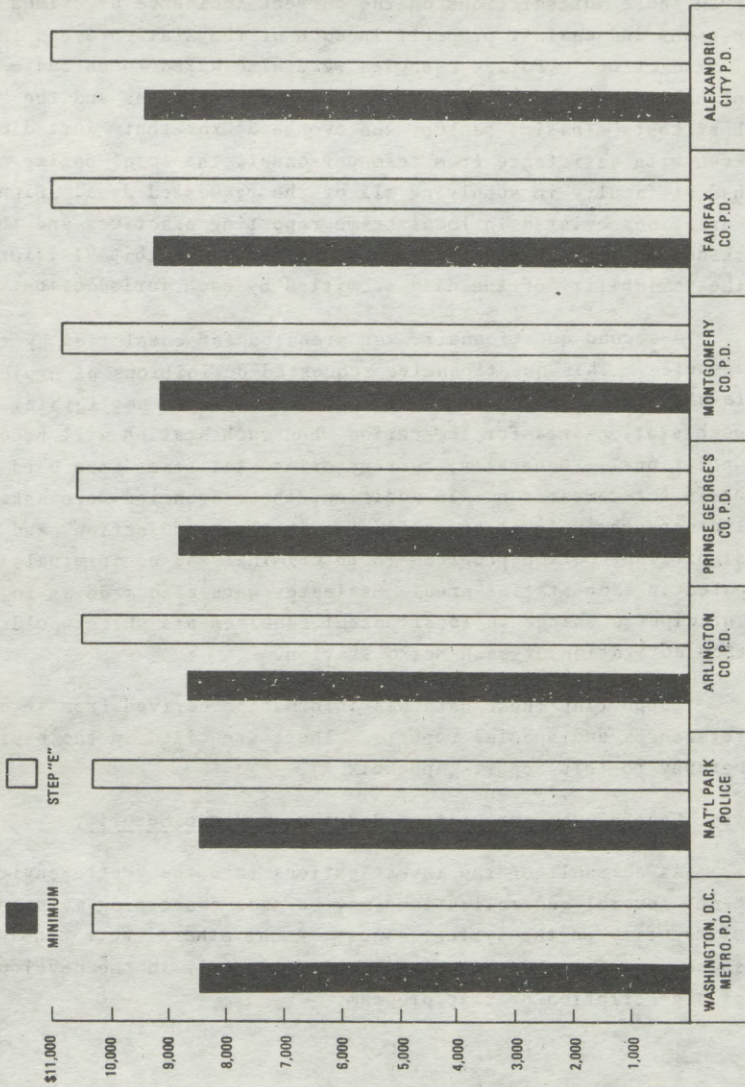
Supporting these data was information derived from standard references and special reports. These are cited in the bibliography to this report (Appendix A).

(5) General Characteristics Bearing on Metro Security

As a result of the investigations into the "Metro environment" several generalizations may be made concerning maintenance of security on the system. These, among others, were considered in selection of a program concept and ultimately in the development of a description of that program.

EXHIBIT IV

POLICE SALARIES FOR D.C. AREA JURISDICTIONS



AUTHORIZED POLICE STRENGTH PER 1000 POPULATION FOR D.C. AREA JURISDICTIONS

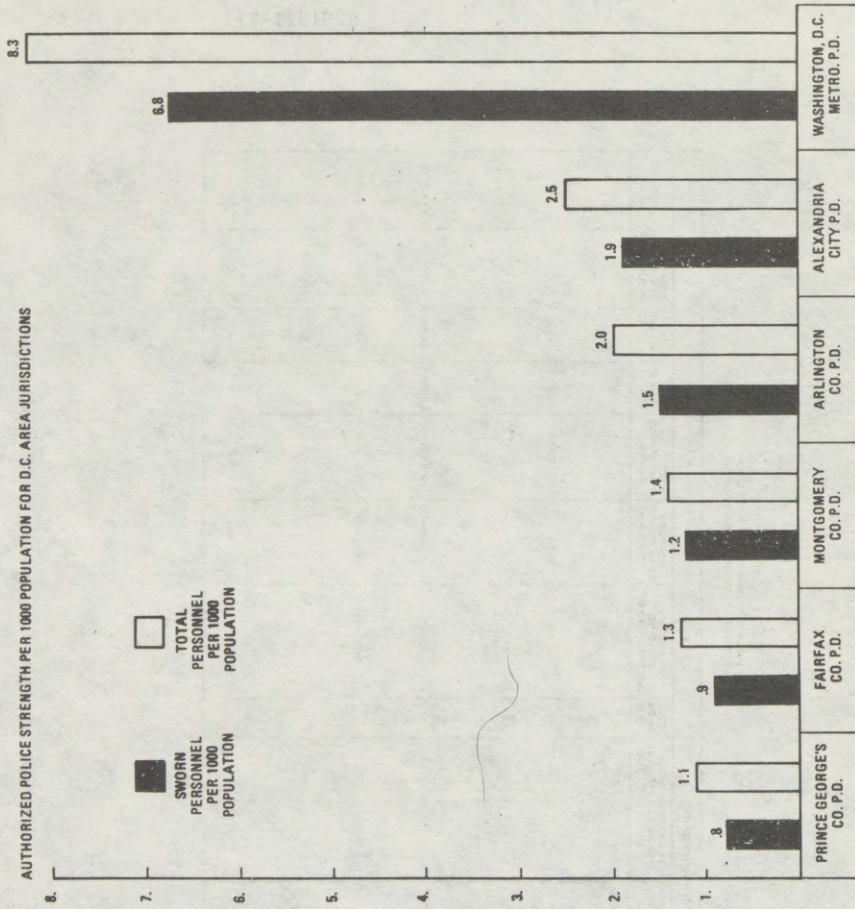


EXHIBIT VI

DESCRIPTION OF DATA SUBMITTED BY JURISDICTION
IN RESPONSE TO FIRST QUESTIONNAIRE

JURISDICTION	DATA AVAILABLE BY				FORM OF DATA AVAILABLE							
	JURISDICTION (1)	STATION (METRO) (2)	BEAT/DISTRICT PRECINCT (3)	% MILE RADIUS OF STATION	COST DATA	TOTAL CRIME INCLUDING LARCENY UNDER \$50	UCR INDEX CRIME AGAINST PERSON	UCR INDEX CRIME AGAINST PROPERTY	ROBBERY	ASSAULT	BREAKING & ENTERING OR BURGLARY	AUTO THEFT
PRINCE GEORGE'S COUNTY	A (UCR)	Y-A13	A		A				A13		A13	A13
MANLOAD					A							
BASE COST					A							
OVERHEAD COST					A							
MONTGOMERY COUNTY		D			A		D12	D12				
MANLOAD		E-D11			A							
BASE COST					A							
OVERHEAD COST					A							
DISTRICT OF COLUMBIA		D			A	D						
MANLOAD		Y-D		D	E							
BASE COST				D	E							
OVERHEAD COST					E							
ALEXANDRIA	A (UCR)	Y-A (UCR)			E	A (UCR) (1)	A (UCR) (1)	A (UCR) (1)	A (UCR) (1)	A (UCR) (1)	A (UCR) (1)	A (UCR) (1)
MANLOAD	E	(1) E			E							
BASE COST					E							
OVERHEAD COST					E							
ARLINGTON	A	E			A		A11, E12	A11, E12	A11	A11	A11	A11
MANLOAD					A							
BASE COST					A							
OVERHEAD COST					A							
FAIRFAX COUNTY		D			E		D	D				
MANLOAD					E							
BASE COST					E							
OVERHEAD COST					E							
U. S. PARK POLICE	A				E	A	A	A	A	A	A	A

A = ACTUAL
A (UCR) = ACTUAL SAME PERIOD AS UCR
E = ESTIMATED BY JURISDICTION
Y = DEVELOPED BY ACTUAL YEAR
E = ESTIMATED BY DEPARTMENT

- . The types of crimes and security matters which will require attention by security personnel (no matter who supplies that capability) can be anticipated. Compared to general law enforcement in the community the potential range of offenses is limited as are the types of emergencies which will require response.
- . Patrol areas are comparatively compact and restricted when compared to city streets. Most areas (stations and trains) will be under continuing surveillance by the public and by Metro operating personnel (kiosk operators). Stations are designed to minimize "blind" spots or hiding places. This will facilitate patrol and surveillance efforts activity in station areas will generally be quite high reducing the opportunity for criminal activity without the presence of witnesses.

3. DEFINITION OF ALTERNATIVE ORGANIZATIONAL MODELS

The Metro security program must be conceived, designed, implemented, and maintained within a clearly defined organizational and administrative structure. The responsibilities for achieving the security objectives of WMATA must be specifically assigned, the resources for effecting the program made available, and the authority for carrying out the program must be established.

Systems which have delayed determination of this responsibility have found options closed to them because of political or economic constraints. Unfortunately some of these systems have been forced to establish programs which have been less than responsive to their needs, and, in many cases, very expensive.

A review of the environment in which Metro must operate makes it apparent that there is a wide range of organizational concepts under which the program might be effected. At one end of the spectrum, WMATA could assume total responsibility for system security; establishing a complete security force capability within their organizational structure, which encompasses the total system. At the other end of the spectrum of possible alternatives, security of the system could be considered a local jurisdictional matter with local law enforcement agencies given the responsibility for maintaining the program in their own local areas.

Investigation proved that there is an exceptionally large number of combinations and permutations for the allocation of security responsibilities within these two extremes. From among these, several were selected as meriting examination and evaluation as models upon which the Metro security program might be based. The basic characteristics of the five models evaluated are described below:

(1) System Wide Transit (SWT)

In this model, Metro would establish a security force capable of implementing and maintaining security throughout the Metro system. The responsibility for meeting normal security requirements of patrons, operating personnel, Metro facilities and revenues would be invested in WMATA. Metro personnel would have this responsibility and the required policing powers on the trains, in the stations, on the right of way, and in other facilities administered by WMATA. Prosecution of offenses would involve local courts and facilities in the jurisdiction where the crime occurred.

(2) Federal Transit Enforcement (FTE)

In this model, the criminal activities which occurred on properties of Metro (the trains, stations, right of way and possibly the shops and yards) would be subject to Federal jurisdiction. A dedicated security force would be established as part of the U.S. Government or an existing U.S. law enforcement agency would receive this additional responsibility to supply the required resources. Enforcement and prosecution would be a Federal responsibility and outside the jurisdiction of local courts.

(3) State Transit Enforcement (STE)

The next level of centralized authority over transit security would be to assign to each state and the District of Columbia the responsibility for supplying the capability

required to maintain system security within their individual jurisdictional boundaries. This coverage would include security of train operations, stations, parking lots, and right of way. Each jurisdiction would establish separate, dedicated security forces, perhaps under the authority of organizations such as the Northern Virginia Transit Commission, and the Washington Suburban Transit Commission. These organizations would determine the level of security required in their areas and supply and administer the resources necessary for its maintenance. These forces would be quite distinctly separate from those of local jurisdictions within their boundaries. Metro would probably maintain a separate capability to protect their yards, central control facility, and revenue operations.

(4) Joint System Wide and Local Jurisdictional Responsibility (SWT/LJR)

Under this operational concept, Metro would assume responsibility for patrol of the trains system wide and "basic" level of coverage of individual stations. "Basic" patrol of stations is defined as the equivalent of hourly patrol amounting to approximately three hours of coverage per day. This coverage would be performed on a scheduled random basis as an adjunct to the train patrol activity. Metro personnel would respond to all calls for their assistance at station locations.

Local law enforcement agencies would be responsible for patrolling stations and parking lots within their jurisdictions according to the pre-specified needs.

There are many possible variations on the division of responsibility under this concept. However, it would not require local officers to travel outside of their jurisdictions and the level of station coverage, over that supplied by Metro, could be determined by the citizens of the local jurisdiction rather than by Metro.

(5) Local Jurisdictional Responsibility (LJR)

Basically, under this concept, security of patrons and the operational personnel and facilities of the system would be provided by the jurisdictions through which the system passes. The concept is based on the premise that crime is a local problem and each jurisdiction has the responsibility for protecting citizens and property within its boundaries. Local law enforcement personnel would patrol the trains while they were operating in their areas as well as the stations.

Some variations exist on the LJR option. For example, Metro could contract with local communities to supply a given additional or basic level of support. This would place Metro in the position of defining the level of security to be maintained and afford some form of assurance (contract) that it would be met. Local jurisdictions could be compensated for the costs of these services.

The "Chicago" approach to the model has a segment of the metropolitan police department dedicated to system security within its jurisdiction. CTA (the Chicago Transit Authority) has no operational security responsibility. Outside of the city, the problems are such that local police agencies do not feel the need to perform a patrol function and their security functions are limited to response to calls for assistance from suburban station attendants or patrons.

4. INITIAL ASSESSMENT OF ALTERNATIVE ORGANIZATIONAL MODELS

The large number of possible variations and mixes of the five basic alternatives precluded an initial detailed analysis of each conceivable variation and combination of methods of providing security. The problem of detailed evaluation was increasingly difficult as the line between some of the alternatives could be viewed as one of degree rather than a difference in concept. This condition resulted in an almost infinite number of variations to be analyzed and evaluated.

It was felt that if a methodology could be developed which would limit the number of basic alternatives and provide some insight into the effects of combining one or more basic alternatives that a detailed analysis of the remaining methods and combinations would be possible.

(1) Limitations to Initial Detailed Analysis

Many of the initial alternatives were thought to have a low likelihood of eventual selection. Hence, a detailed analysis of these alternatives and a large number of combinations and variations which utilized alternatives did not seem to be an effective use of resources. However, the project team did feel it was necessary to explicitly address each of the possible alternatives in order to:

- discover the relationships between the transit security requirements and alternatives.
- develop the fullest possible understanding of the inherent advantages and disadvantages of each alternative presently used by existing mass transit systems. The project team's visits to other rapid transit systems indicated that there was little consistency in the approaches to transit security among the systems visited. The effects of variations in the social and physical environment in which the other transit systems operated made it increasingly difficult to draw general conclusions which would argue for the suitability of any of the existing security plans to Metro's needs.

assure that the final alternative was not "pre-selected" by initially restricting the alternatives to be considered. This implies that, for any alternative which did not receive a detailed analysis, significant arguments for its not being considered would be prepared.

(2) Qualitative Assessment of Each Alternative

The initial approach was to qualitatively assess each of a number of factors which the project team felt should be considered in determining an alternative security system. These factors were:

- Ridership and Public Confidence - The degree to which the public will be induced to use or not use Metro as a function of their perceived safety and the level of security provided.
- Costs - The costs of Metro security to the governments and citizens served by Metro regardless of the source of funds (subsidy or the fare box).
- Efficiency - Would the selected system minimize costs for a given level of service or would overlaps and assignment patterns result in inefficiencies?
- Effectiveness - The effectiveness of the alternative in maintaining crime-free conditions within the Metro system.
- Equity and Burden - Does the burden of providing Metro security fall equitably upon the jurisdictions which provide the security? This would be a special problem with patrol of trains, for in many jurisdictions a policing agency would be providing service for a relatively large number of patrons who were neither embarking nor departing from stations within its jurisdiction.
- Prosecution - What would be the effects of varying prosecution and prosecutors under certain alternatives? Would there be inherent difficulties in obtaining
 - indictments?
 - effective prosecution, speedy trials?
 - convictions?

Courts - What would be the implication of differing court practices upon the alternative's system performance in each of the following processes:

- bail and release?
- charging?
- court scheduling?
 - .. speed of trial?
 - .. police and/or Metro witnesses?
- sentencing practices?

Legislation - What legislation would be necessary to implement the alternative?

- its likelihood and date of passage?
- problems with the alternative if required legislation could not be or was only partially obtained?

Interjurisdictional coordination and communication - recognizing that the requirements for coordination and communication would vary greatly depending upon the choice of the alternative it was necessary to assess:

- the degree to which the effective use of the alternative was dependent upon coordination and communication.
- the degree of cooperation which could be anticipated.
- any constraints to effective coordination and communication.

An evaluation of the results of these assessments did not reveal a single alternative which clearly dominated the other possibilities. Instead the need for a means to evaluate trade-offs and priorities among the factors became apparent.

(3) Development of Priorities and Weights

The weight (or importance) which is assigned to a given dimension or factor is often more a matter of how much difficulty a manager anticipates with a particular problem, its political implications for a particular constituency, and the resources which a manager has at his disposal than an objective evaluation exercise. The project team developed a methodology for establishing a replicatable base for determining these weights. This methodology involved assessment, compilation, and testing of the combined relative values placed on each of these factors by Metro management personnel and representatives of local governments. This process involved the following steps.

- . A list of factors was developed and presented to the client's management who established an initial ranking of the factors.
- . The documented methodology was then applied by the project team to the client's management. The methodology required:
 - that factors and considerations be checked for redundancy and duplication.
 - that all factors be grouped into general categories and the rankings of the general categories be evaluated and assigned weights. Then the factors within each of the general categories are evaluated and weighed. The general categories were:
 - .. Public confidence. Which was composed of personal (passenger) safety and three factors for security response time.
 - .. Cost. Which was composed of total system costs to the jurisdictions and citizens which will be served by Metro and upon three individual factors which related to the direct costs to Metro.
 - .. Management control. Which was composed of five factors which related to operational standards, personnel training and selection, operational control, and the ability to innovate.

- .. Legislative achievability. Which was comprised of factors relating to the necessity for achieving legislation in each of the jurisdictions.
- .. Jurisdictional interface. Whose major factors were coordination and communication.

The weights for each factor were then normalized, the general category weights extended, and a ranking of all factors was developed. These rankings were again reviewed and revised as necessary.

- Combinations of factors were calculated and reviewed to assess the reasonableness of the rankings.
- The project team recognized the weighting of factors could be misinterpreted as providing a higher degree of quantification than existed. WMATA management was asked to review the results and confirm the overall reasonableness of the established priorities and weightings.

The ranked factors were then presented to the COG Liaison Committee and after an extensive discussion of each of the factors each member of the Committee was asked to respond either specifically or generally to the rankings and the factors. These discussions and responses assisted materially in the final determination of rankings and weights for each of the factors.

(4) Assessment of Alternatives in Terms of Ranked Factors

Each of the alternatives was then analyzed in terms of ranked factors. Where the application of an alternative could vary in individual states or districts, the jurisdictional differential in the factors were specifically considered.

Each of the team members' assessments was subjected to internal review and joint consultation, after a consensus assessment had been developed for each factor.

(5) Formal Ranking of Each Alternative by Factor

The development of weighted scores and rankings of the alternatives resulted from the application of the priorities and weights to the assessments. The weighted scores and rankings for each of the factors provided a basis for the project teams to review the implications of rejecting, or retaining alternative security methods.

- . The basic method of determining if an alternative should be retained was to adjudge
 - that the alternative had a high degree of feasibility with respect to each of the factors.
 - that giving slight variations in factor values to individual alternatives did not change the ranking of the alternative.
 - that a more detailed analysis would be required for those alternatives attaining marginal rankings. This involved determining if additional strengths or weaknesses could be identified with the alternative.

For those alternatives which did not meet the above considerations, a logical basis for their rejection was developed. (Had it not have been possible to develop this logical basis, the initial basis for rejection and acceptance would have been revised.)

- The system wide Metro Transit Force (SWT) was rejected because:
 - .. it would create an additional major police force with sole jurisdiction over Metro properties. Creation of such a force would meet with opposition from local government officials and police administrators who believe that such a separate capability would further complicate an already fragmented law enforcement network in the Washington Metropolitan Area.
 - .. public perceptions and confidence resulting from this mode of providing public security would not be any greater than a number of much less costly alternatives. See Exhibit VII for one comparison.

EXHIBIT VII

BUREAU OF FIELD OPERATIONS
COSTING STRUCTURE FOR SWT AND SWT-LUR ALTERNATIVES **

ALTERNATIVE	SECURITY (AVERAGE BASE MULTIPLIER)	SPECIAL (AVERAGE BASE MULTIPLIER)	INVESTIGATIVE (AVERAGE BASE MULTIPLIER)	FIELD SUPERVISORS (AVERAGE BASE MULTIPLIER)	INTERNAL (AVERAGE BASE MULTIPLIER)	STAFF SUPERVISORS (AVERAGE BASE MULTIPLIER)	SECURITY ASSISTANTS (AVERAGE BASE MULTIPLIER)	SECURITY (AVERAGE BASE MULTIPLIER)	SECURITY OPERATIONS (AVERAGE BASE MULTIPLIER)	NUMBER EMPLOYED TOTAL COST PER MAN HOUR OF EQUIPMENT	TOTAL SECURITY PERSONNEL FOR OPERATIONS*	TOTAL COST USING BASE SALARY OF \$14,300**
SWT-LUR MEDIUM LOCAL RESPONSE	6 (1.1)	13 (1.25)	3 (1.4)	29 (1.38)	3 (1.55)	7 (1.7)	12 (1.46)			94 8800 75000	108	1,348,686
SWT	45 (1.1)	30 (1.25)	10 (1.37)	35 (1.38)	6 (1.49)	7 (1.68)	7 (1.75)	20 (1.06)		115 8800 124000	182	2,898,145

*INCLUDES DIRECTOR AND ONE DEPUTY DIRECTOR

**TWENTY-FOUR HOUR DAILY COVERAGE SEVEN DAYS/ WEEK

**DENOTES A SALARY MULTIPLIER. THE MULTIPLIER CONSISTS
OF A BASE YEAR (CALENDAR 1974) SALARY OF \$11,000 AND
A COST OF LIVING ADJUSTMENT OF 25% RESULTING IN A
RESULTING IN THE BASE SALARY MULTIPLIER OF \$14,300

- .. without a significant increment of public confidence, the advantages in management control did not appear strong enough to justify the rather greater costs to both Metro, and the Washington Metropolitan Area's citizens and jurisdictions.
- The Federal Transit Enforcement concept (FTE) was rejected because:
 - .. it might require establishment of another police force. This would most likely have provided insurmountable legislative obstacles for its successful achievement.
 - .. it has very high costs, although the consultants believe this alternative would have excellent public acceptance.
 - .. The "Court Reform and Criminal Procedures Act" of February, 1971 established that the Federal government will not assume responsibilities with regard to crimes which should be matters of local concern. It is unlikely that Federal courts would assume venue, systemwide, for crimes occurring on Metro properties.
 - .. it was felt that a Federal security force would not be as responsive to differing local desires and requirements as other types of security forces.

Under this alternative it would not be necessary to create an additional force in the Washington Metropolitan Areas as there are precedents in both operational practices and legislation/legal arrangements (including contracting) for the U.S. Park Police to undertake this policing. There would be no inherent economies in such a policing and it would be as expensive to operate as SWT.

The above considerations resulted in FTE being ranked only slightly (although not significantly) higher than SWT.

For those alternatives which were still under consideration, the project team was then able to focus upon the differentiating factors and considerations.

- Legislative requirements could now be given lesser weight and importance than originally appeared to be necessary as the remaining alternatives' successful implementation did not appear to be as crucially tied to legislative achievability.
- Manpower requirements could now be calculated in a very detailed fashion as the number of remaining alternatives and combinations of alternatives had been considerably limited. Further, a number of the alternatives had very similar structural or patrol characteristics (Although many other characteristics which affect costs were considerably different. But the most difficult and expensive calculations relate to patrol and patrol costs.).

5. APPLICATION OF DETAILED ASSESSMENT METHODOLOGIES

Each of the remaining alternatives were then evaluated in terms of their comparative operating modes, manpower requirements and costs. This process involved:

- . Development of crime level and noncriminal activity levels by station and the classification of stations as to their requirements for:
 - intense patrol
 - routine patrol
 - response only
- . A response time model
- . A beat structure model
- . Shift structures and manning patterns
- . A manpower requirements model which consisted of:
 - manpower loading for each alternative to meet:
 - .. response time requirements
 - .. train patrol requirements
 - .. station patrol requirements
 - costs of patrol
 - costs of supervision

- Organization structures based upon:
 - total system manloading
 - manloading by jurisdiction
- A general costing model to determine:
 - overhead costs
 - civilian support costs
 - equipment and facilities costs
 - fringe benefits
 - cost of living and similar time adjustments

The application of the manloading and costing process directly produced assessments or partial assessments in the factors of system cost and response time as a subfactor of public confidence. This application was also a prerequisite to the establishment of condition descriptions and detailed factor assessments for two other general categories. These categories were:

- Managerial Control. As the existence of an organization structure provided a means to determine the strengths and weaknesses of the alternative's proposed organization structure in terms of managerial control, and
- Jurisdictional Interface. The manloading by jurisdiction and the proposed organization structure were crucial to defining the jurisdictional relationships and interface requirements.

The methodologies used to assess, analyze, and evaluate each remaining alternative were then applied. As the methodologies and operational models utilized in assessment are the means by which the project team developed the system alternative, it would be useful to outline the approach used to assess each of the factors. These factors and a discussion of the approach, models, and methodologies used to assess these factors follow:

(1) The Cost Factor

The components of the costing process and the basis for the cost calculation were:

Cost of patrol

- The key issue in determining the costs of patrol is what must the force be expected to accomplish and how it will operate. These characteristics are summarized by the necessary patrol assumptions and definitions for each of the alternatives.
- Response time is a major determinant of patrol cost. In all cases the manning requirements were developed which would exceed the average response time for the set of standards indicated in Exhibit VIII, "Sample Response Time Data from a typical police agency."*
- Patrol manpower was assigned to trains on the basis of average patrol time per train and patrol time on train criteria. These criteria allowed levels of patrol which far exceeded the patrol levels presently received in the appropriate jurisdictions when similar numbers of people (citizens) are concerned.
- Patrol manpower was also a function of patrol of stations. Here the team defined three classes of stations. These classes of stations were developed as a function of passenger utilization, and the nature of passenger arrival and departure (See Exhibit III, "Special Analysis of Stations with Parking Lots"). For crime levels along the line, see Exhibit IX, "Special Characteristics of Crime Level Within Beat and Alternative Beats". The classes of stations considered are:
 - .. Stations requiring basic patrol: A level of service generally providing station patrol a minimum of once each hour, and an average response time for calls (requests) for service for both crime-related and other events which is better than that which is provided in urban areas in the Washington Metropolitan Area. Additionally for some of the alternatives a major activity includes patrol of trains during all periods of passenger service.

*Urban Police Patrol Analysis, Richard C. Larson, MIT Press, 1972

SAMPLE RESPONSE TIME DATA

Incident Type	Elapsed Time from Termination of Telephone Conversation until Dispatch of a Patrol Unit		Time Required for Patrol Unit to Travel to Scene of the Incident		Service Time at the Scene of the Incident		Sample size
	Mean	Standard deviation	Mean	Standard deviation	Mean	Standard deviation	
Vehicular Accident	1.05	1.00	3.98	3.09	54.25	25.97	44
Medical Case	1.73	3.01	5.35	3.38	40.38	24.74	225
Other Offense	1.74	2.04	5.41	4.03	22.68	18.19	97
Drunk	2.31	3.83	5.34	4.26	25.31	25.89	71
Burglary	2.39	4.24	6.45	5.05	51.76	31.36	33
Investigation	2.61	5.23	5.94	4.53	31.30	23.56	509
Larceny	2.79	4.34	7.58	5.52	31.74	15.57	38
Vandalism	3.42	5.85	6.90	4.40	36.14	24.23	118
Minor Disturbance	3.46	6.11	5.95	3.64	24.39	18.56	406
Auto Theft	4.83	8.08	7.09	4.35	35.54	21.87	94

Note: Delay units are minutes

From: Urban Police Patrol Analysis by Richard C. Larson;
the MIT Press, Cambridge, Massachusetts, 1972

EXHIBIT IX

STATISTICAL CHARACTERISTICS OF CRIME LEVEL WITHIN BEAT AND ALTERNATIVE BEATS

BEAT				ALTERNATIVE BEATS				CRIME LEVEL (CRIMES/MONTH)												PERSON AND PROPERTY (INCLUDING PETTY LARCENY)											
FROM		TO		PERSON				PROPERTY				HIGHEST				LOWEST				HIGHEST				MODE				LOWEST			
				1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA	1ST DATA	2ND DATA				
VAN DORN	PENTAGON	SPRINGFIELD	PENTAGON	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
VIENNA	ROSSLYN	FRANCONIA	PENTAGON	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
GROSVENOR	METRO CENTER	ROCKVILLE	METRO CENTER	2.0	L	M	4	N	L	48.3	M	H	2.3	N	N	65.3	M	H	1.4	L	1.4	L	1.4	L	1.4	L					
FOREST GLEN	GALLERY PLACE	GLENMONT	GALLERY PLACE	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
		FOREST GLEN	FOREST GLEN	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
		FORT TOTTEN (W.)	FORT TOTTEN	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
CHILLUM	GALLERY PLACE	GREENBELT	FORT TOTTEN	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
		GREENBELT	GALLERY PLACE	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
		FORT TOTTEN (E.)	GALLERY PLACE	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
ARLINGTON COUNTY	L'ENFANT	CHEVERLY	STADIUM AREA	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
LANDOVER	STADIUM AREA	NORTH CARROLLTON	STADIUM AREA	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
ADDISON	L'ENFANT	ADDISON	STADIUM AREA	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
ALABAMA	L'ENFANT	STADIUM AREA	L'ENFANT	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
		SUTLAND BRANCH	L'ENFANT	1.9	H	H	1	N	L	32.4	M	N	4.1	M	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L	1.4	L				
HUNTINGTON	PENTAGON	HUNTINGTON	KING	5.0	M	M	2.0	L	M	41.1	M	H	4.1	L	L	2.9	M	H	1.4	L	1.4	L	1.4	L	1.4	L					
				5.0	M	M	2.0	L	M	41.1	M	H	4.1	L	L	2.9	M	H	1.4	L	1.4	L	1.4	L	1.4	L					

- .. Stations requiring routine patrol: A level of patrol of stations and adjoining Metro passenger related facilities which does not exceed twice the patrol coverage which commercial and public facilities having a similar number of citizens would normally receive from local authorities. This coverage may vary considerably during any given day.
- .. Stations requiring intensive patrol: A level of patrol of Metro passenger related facilities which (1) exceeds twice the patrol coverage which commercial and public facilities having a similar citizen utilization would receive, (2) generally provides station patrol at least four times during each shift requiring at least 45 minutes of patrol per shift (.20 to .30 officer/man-days/day) but it can require the posting of one or more men on a fixed or roving basis in stations experiencing or having the possibilities experiencing serious problems in relation to public safety or confidence, and (3) priority response to calls-for-service for crime-related activities, emergencies, and passenger accidents. Additional special emphasis and patrol is to be provided in stations where patrons would be likely to make transfers between trains.

Cost of supervision. This will vary depending on the operational manpower dispositions requirements of the alternative. The differences in cost of supervision will be related to:

- organizational differences. This implies tentative organization structures will have to be developed for some alternatives.
- number of supervisors per patrol officer. This can vary by jurisdiction but area wide or State/District averages may be utilized for calculations.
- assessment of means to obtain operational integrity and effectiveness. In each case the best means available for each alternative was costed.

Some operational costs were not considered in the detailed analysis of the alternatives as these costs would not vary as a function of the alternative selected. These costs were:

- revenue collection (business and night shifts)

- security for OCCB
- protection of facilities (yards, warehouses, etc.)

The cost analysis depended critically upon the response time criteria.

- If Metro is willing to accept a level of response equal to that which is separately available in each of the jurisdictions, the LJR and its variations have by far the lowest costs.
 - .. Contracted LJR primarily shifts some of the costs which would be borne by the local agencies to Metro. However, if an attempt is made to decrease response time the structure of the Metro system precludes many of the usual gains obtained through contracting.
 - .. LJR-CTA: The variation of LJR would cost considerably more than LJR. It would have a cost structure which would be very similar to contract LJR and the major cost advantage of this alternative over SWT-LJR and STE would be in reduced overhead and backup costs.
- If Metro desired a consistent level of response where the average response time and the variation in response time were better than those found in the jurisdiction having the highest average and variation in response it would be necessary to supplement local forces.
 - .. The least cost alternative would then be SWT-LJR.
 - .. The requirements for overlapping patrols or beats to assure continuity of response and coverage would increase the costs of LJR and STE.

(2) Public Confidence

Each of the alternatives was evaluated in terms of its relative ability to create an environment in which the public would be safe and would "feel" safe while using the Metro facilities. This feeling of security and well being is fostered by:

- Visible presence of personnel capable of protecting or assisting patrons.
- Personal experience or knowledge which indicates that protection and/or assistance will be provided when it is required.
- Effective enforcement of Metro rules and ordinances. Evidence indicates that cleaned and well maintained transit equipment, facilities and conditions is a major factors in obtaining public confidence.

Concerning the need for visible presence of authority figures, all three organization concepts have the capability of meeting this need. This need is felt most strongly by patrons in periods of low ridership (off-hours). It is most likely that a dedicated force would schedule such coverage, not having conflicting assignments that could interfere with patrol schedules. Both STE and SWT/LJR offer such a dedicated force. The smaller local jurisdictions are not likely to establish such a dedicated force.

SWT/LJR has a very special benefit in the "visible presence" factor in that both Metro and local law enforcement personnel will be seen in stations. Local law enforcement personnel will be present at planned levels of patrol and Metro security personnel can augment this coverage at particular times of the day when it is most needed. Neither the STE nor LJR present this level of staff flexibility.

Concerning response to emergency conditions, again the dedicated force concept represents the most effective response capability. All three types of groups would probably give good response to criminal matters. LJR is less likely to give as immediate response to many of the acts classified as misdemeanors. These are lower on the total force priorities than many other response requirements of the community. As for enforcement of Metro rules and ordinances, again the dedicated Metro or STE force would be more concerned than that of LJR.

Control of wall defacing, damage to equipment, etc. is important in creating an atmosphere of confidence.

In summary, it would appear that SWT/LJR would be most likely to create a spirit of public confidence. It only appears superior to STE in that local law enforcement personnel will also be present in stations increasing the "visibility" of authority.

(3) Legislative Achievability

In this area, the three remaining alternatives were ranked in terms of the extent to which new legislation would be required for implementation and the potential difficulty of achieving that legislation.

Effective implementation of all three of these alternatives would require legislation (Section V discusses the principal legislative constraints on implementation of a Metro Security Program). However, LJR would require the least revision in existing laws and STE would be more demanding in the requirement for new laws.

Effective implementation of SWT/LJR will require laws giving systemwide authority to sworn Metro personnel and to assure clear definition of concurrent jurisdictional relationships between Metro forces and local law enforcement agencies and among those agencies.

(4) Management Control

Each of the alternatives was evaluated in terms of the likelihood that effective operational security standards could be established and implemented consistently throughout the system. These standards would pertain to such subjects as selection and training of personnel, patrol levels and response priorities, and enforcement and public aid policies.

SWT/LJR clearly offers the strongest organizational mode for establishing and maintaining a reasonably consistent security environment throughout the system. It is the only option which establishes a central management structure, oriented to the needs of Metro and which still has the capability of being responsive to local desires and demands.

(5) Jurisdictional Interface

This factor is a matter of real concern in selection of an operational concept because the number of authority patterns involved in any decision-making process or in accomplishing an objective influences the time required for decision-making, the likelihood that the decision will be qualified, and the probability of total attainment of an objective.

SWT/LJR gets highest marks on this factor because Metro would be responsible for all coordination pertaining to security of their operations. In most instances, individual agencies would only be required to coordinate their efforts with one agency, Metro.

Under STE, the State (or district) force would be coordinating their efforts with local agencies (police, fire, and rescue) with forces of adjoining States, and with Metro system operating personnel.

Under LJR, local enforcement officers would be riding trains into adjoining jurisdictions and would be dependent on existing coordination/communication mechanisms for accomplishing their functions. While this is a workable arrangement, it gives less assurance of responsive decision-making and a consistent pattern of operations.

(6) Equity of Burden Among Jurisdictions

Among the concerns of local jurisdictions is the possibility that Metro may create economic burdens unequally and that some jurisdictions may be called on to perform services beyond those demanded by their own citizenry. For example, stations patrolled by the Metropolitan Police Department will be the terminus for all lines and protection services will be required for citizens not resident in their jurisdiction. Also, citizens living many miles from certain stations will park their cars at those stations and expect protection of their persons and their vehicles.

As for protection of stations, this condition differs little from existing conditions and demands for services. However, the use of local law enforcement personnel on trains could be considered an unusual or excessive burden. Both STE and SWT/LJR relieve local jurisdictions of this burden.

(7) Overall Cost Comparison

Use of the cost model to determine the relative patrol costs of each of the alternatives showed that SWT/LJR would probably be the most economic model.

APPROXIMATE SECURITY COSTS - ANNUAL (In Millions of Dollars)				
<u>MODEL</u>	<u>METRO</u>	<u>STATE</u>	<u>LOCAL</u>	<u>TOTAL</u>
SWT/LJR	\$1.9		\$0.5	\$2.4
STE		\$3.0	0.1	3.1
LJR			3.2	3.2

Two factors primarily account for the variations in total cost of these various models. These are costs of administration and costs of patrol personnel.

LJR would generate the lowest additional costs for administration. Existing command structures would be maintained with only incremental additions made to cover supervision

of station and train patrol. The costs of train patrol would be highest under this alternative. Each patrol would have dead time in the first station outside of his jurisdiction while waiting for a return trip.

STE would require establishment of at least two new administrative structures for Maryland and Virginia and incremental additions to the D.C. Command structure. There would still be some patrol dead time as there would be overlapping patrols where the transit lines crossed state boundaries.

SWT/LJR would incur additional costs for administration, however, these would be less than STE. Also patrol costs would be minimized under this concept. Overall, SWT/LJR appears to be the most economically attractive alternative presented.

6. SUMMARY OF SWT/LJR BENEFITS

The selection of SWT/LJR as the proposed security program organizational/operational concept is based upon the following points:

- . SWT/LJR maintains basic responsibility for local law enforcement with local jurisdictions. Metro augments this capability with random and selective patrol of stations.
- . SWT/LJR appears to offer the highest level of preventive capability system wide in presence of personnel at Metro facilities and in response capability.
- . SWT/LJR appears to offer the best mechanism for assuring a consistently effective level of security throughout the system and for coordination of resources available to maintain system security. This includes direct coordination with the operational management of Metro.
- . SWT/LJR appears to offer the best balance of forces for maintaining public confidence in patron safety. A strong local flavor exists with the presence of local law enforcement personnel and citizens have apparent control over the level of patrol present in the stations and parking lots. Metro personnel will assure a "system" presence and effective response in emergency situations.

SWT/LJR presents a more difficult problem in establishment of necessary legislation. However, there are precedents for the required laws and this does not appear to be a real constraint.

SWT/LJR appears to be the lowest cost alternative of any considered and the most equitable alternative considering the allocation of costs among jurisdictions in which the system operates.

IV. DETAILED DESCRIPTION OF JOINT SYSTEM WIDE
AND LOCAL JURISDICTION RESPONSIBILITY

IV. DETAILED DESCRIPTION OF JOINT SYSTEM WIDE AND LOCAL JURISDICTION RESPONSIBILITY

This section outlines the conceptual design of the proposed Joint System Wide - Local Jurisdiction Responsibility System (SWT-LJR). The design at this level focuses on the division of security responsibilities, the reasons for responsibility being shared in the manner proposed and specific observations on the design interacting in an operational environment.

1. INTRODUCTION

The discussion in Section II reviewed the characteristics of the various available alternative designs which were identified and studied by Arthur Young & Company. Section III also reviewed in appropriate detail the selection methodology used to select the proposed Metro security concept. Significant features of the proposed SWT-LJR approach which influenced its recommendation are:

- . A system wide dedicated and professional transit security force provides for a consistent level of security throughout the system.
- . The proposed security system provides a high level of response to the wide range of potential security problems with which Metro must be concerned.
- . The proposed security system is flexible in that it is nondisruptive to the patrol patterns, methods and policies of the local jurisdictional police agencies yet benefits from their participation.
- . Although many of Metro's 86 stations require minimum or marginal patrol coverage they also will require a good response time easily within the capabilities of local police.
- . The proposed SWT-LJR arrangement is inherently more equitable with respect to cost allocations and more operationally practical than other alternatives considered.

The SWT-LJR security alternative is based on a logical and achievable separation of responsibilities and assignment of duties. An inherent ingredient required for its success is the maintenance of a high level of cooperation and open lines of communication between the Metro security force and the local police agencies. Such a spirit of cooperation can be readily enhanced through Metro maintaining close coordination with the local police agencies through efforts such as informing them when new parking lots are open, by providing the agencies with information and training regarding unique physical features and operations of Metro properties which local police may have to enter, and related acts of cooperation.

2. SCOPE OF METRO'S SECURITY RESPONSIBILITIES

A basic premise used in the design of this alternative is that Metro will provide a level of security throughout the transit system. This level of security is both patron related and nonpatron related. Patron related is defined as providing the required level of security on trains, and a "basic" level of patrol in stations. The latter security activity, i.e., station coverage is provided through the basic patrol tactics employed by Metro security officers such as getting off the train at each station, walking through the station, checking with the kiosk attendant and getting on the next train.

Nonpatron related is defined as providing security coverage for Metro's train repair and storage facilities, revenue collection practices and facilities, its Office Control Center Building and its other properties.

All stations will be continuously monitored during the 20-hour period of operation by an attendant in a kiosk or booth. The kiosk will be equipped with closed circuit television providing a full coverage of all sections of the station beyond his immediate view.

Each attendant also has available to him a communications capability with the central communications control in the Office Control Center Building. In addition the station's ticket vending machines and automatic change makers will be equipped with alarms and sensory devices in the event of vandalism or attempts at theft. The combined security resources and capabilities of the station and train coverage both by the experienced full-time Metro security officer, the presence of the kiosk attendant and the proximity and responsible capability of the local police agency causes the SWT-LJR security alternative to be a viable system.

The proposed SWT-LJR security system will require legislation to provide the full police powers required by a Metro force providing coverage along the entire line. Section V, following, discusses in appropriate detail the legislation required to support the proposed system.

3. SCOPE OF LOCAL JURISDICTIONAL RESPONSIBILITY

The local jurisdictional police forces, under the proposed system, will be primarily responsible for security of stations and all parking areas. As mentioned, Metro will provide a basic level of protections for all stations, however select stations will require patrol by local law enforcement agencies above the basic level. Stations have tentatively been classified into three categories according to statistics collected by the project team reflecting the level of crime incidents in the neighborhoods in which each of the stations are contemplated. The categories are as follows:

- . Category I -- Requiring intensive patrol
- . Category II -- Requiring routine patrol
- . Category III -- Reflects a basic level of protection considered in Section III.

Category I stations are projected to require a level of coverage provided by either posting one to two local police officers at some select stations or a frequent walk through by police officers on patrol duty in the immediate neighborhood. Category II stations are

projected to require a routine patrol as an extension of an existing patrol in order to provide the station with the visibility of a uniformed police officer to serve primarily as a deterrent. Since these station patrol requirements are predicated upon current local crime statistics, it is assumed the neighborhoods containing the station sites are already receiving police patrol in relationship to their criminogenic characteristics. Category III stations are projected to receive local police coverage only in response to a specific request for assistance made by a Metro representative.

The following table identifies the number of stations in each local jurisdiction which have been assigned Categories I-III:

<u>Jurisdiction</u>	<u>Category I</u>	<u>Category II</u>	<u>Category III</u>	<u>Total</u>
Montgomery County	1	6	4	11
Prince George's County	2	5	5	12
District of Columbia	11	12	19	42
Fairfax, City of	1	1	5	7
Alexandria, City of		3	1	4
Arlington County	1	4	3	8
Other Federal Areas	<u>0</u>	<u>0</u>	<u>3</u>	<u>3</u>
Total	16	31	40	87 **

** Due to joint jurisdiction, numbers do not add to proper number of stations (86).

The ultimate levels of patrol which will be provided by local jurisdictions cannot be determined at this time. However, to project the probable range of costs to local jurisdictions, the minimal requirements for patrol have been estimated for each of the station areas. The station classification's and the ultimate patrol requirements for each will require further review by each jurisdiction prior to a station becoming operational and continuously thereafter.

It is recognized that stations may change from one category to another as the characteristics of neighborhoods change. This potential for change is a contributing factor in the decision to assign the prime responsibility for maintaining station protection with the respective local police agencies, since these agencies are attuned to the neighborhood environments and reflect change themselves in staffing patterns, training requirements and in other factors in concert with the need.

Since local police agencies are asked to patrol all patron parking lots, it is necessary for Metro to equip these parking facilities with high intensity lighting, adequately high fences and closed circuit monitored television camera coverage (in large lots) as mechanisms for crime deterrence. Any revenues resulting from local agencies' ticketing parking and traffic offenses on the Metro lots should accrue to the local governments.

In summary, the responsibilities assigned to the local police jurisdictions by the proposed SWT-LJR security alternative would be as follows:

- . Maintaining a level of patrol coverage for all stations, beyond the basic level of coverage provided by Metro security officers.
 - . Patrolling patron parking lots.
 - . Providing backup assistance by responding to Metro calls for assistance.
 - . Providing for transportation and booking of Metro-arrested offenders.
 - . Investigating felonies and serious misdemeanors.
4. DETAIL CHARACTERISTICS OF METRO SECURITY FORCE AND LOCAL JURISDICTIONS' OPERATIONS

The discussion presented earlier in this section was summary in nature as it related to the assigned responsibilities between Metro

and the local police agencies. The following discussions will present a more comprehensive explanation of some pertinent facets of the proposed security system.

(1) Metro Security Officer Patrol Tactics

In arriving at an estimated strength of the proposed security force and in developing the supporting logic it became necessary to develop assumptions regarding some modes of operation, for example, certain tactics of patrol. As a result patrol tactics to be employed by train-riding security officers were developed upon which, in part, the strength of the Security Division was calculated.

A Basic Tactic

In this patrol mode the train-riding security officer gets off at a station from the first car. He walks through the station at an unhurried pace, checks with the kiosk attendant and gets on the next train at the last car walking through the train to the front car. Depending upon the frequency of trains, whether he is at the end of the line and the particular station, if he has time he may also walk through an adjacent parking lot for a cursory patrol.

An Alternative Tactic

In this patrol mode the security officer boarding a train at Station No. 1 rides the train as described above. He passes Station No. 2 getting off at Station No. 3 and patrols as in the basic tactic. He boards the next train at Station No. 3 but travelling in the reverse direction, i.e., back to Station No. 2 and patrols that station as in the basic tactic. The security officer then walks across the mezzanine boarding a train going in the original direction passing Station No. 3 and alights from the first car of the train at Station No. 4.

A Third Tactic

The security agent in a normal patrol situation, i.e., not responding to a call for assistance from the kiosk attendant, may ride to the end of the line practicing the basic or alternative patrol tactic but checking with or signalling station kiosk attendants upon his arrival. The frequency of his arrival at any station may vary depending upon his prior actions. A preferable method would be for the agent to call ahead to the kiosk attendant. Although this is technically possible it also tends to be operationally impractical since calls from moving trains must first be relayed through the OCCB Communications Center. However, it may be a feasible method to employ depending upon the individual circumstances of the specific station neighborhood, time of day and anticipated types of problems. A planned characteristic for District of Columbia stations and District-Maryland stations, at certain times of the day, is to have a security officer alight from a train to the station platform at a level of frequency relatively equal from one station to another. The point here is that although the mode of patrol may be either basic or alternative, the frequency of his patrol of the station for these select areas will be relatively equal.

(2) Metro Security Force Shift Assignment Patterns

In developing the supporting logic for the recommended alternative, certain assumptions were made regarding modes of operation as demonstrated in the previous referral to tactics of patrol. Further assumptions or, more appropriately, design characteristics were identified as desirable and were incorporated into the projected mode of operations. This was particularly true in the designation of the shift assignments for the proposed force. These shift assignment patterns are particularly significant since the shift manloads and accompanying station patrol tactics are heavily interrelated. That is, the shift assignment patterns contributed

substantially to the overall calculations leading to the total sworn officer strength of the proposed security force.

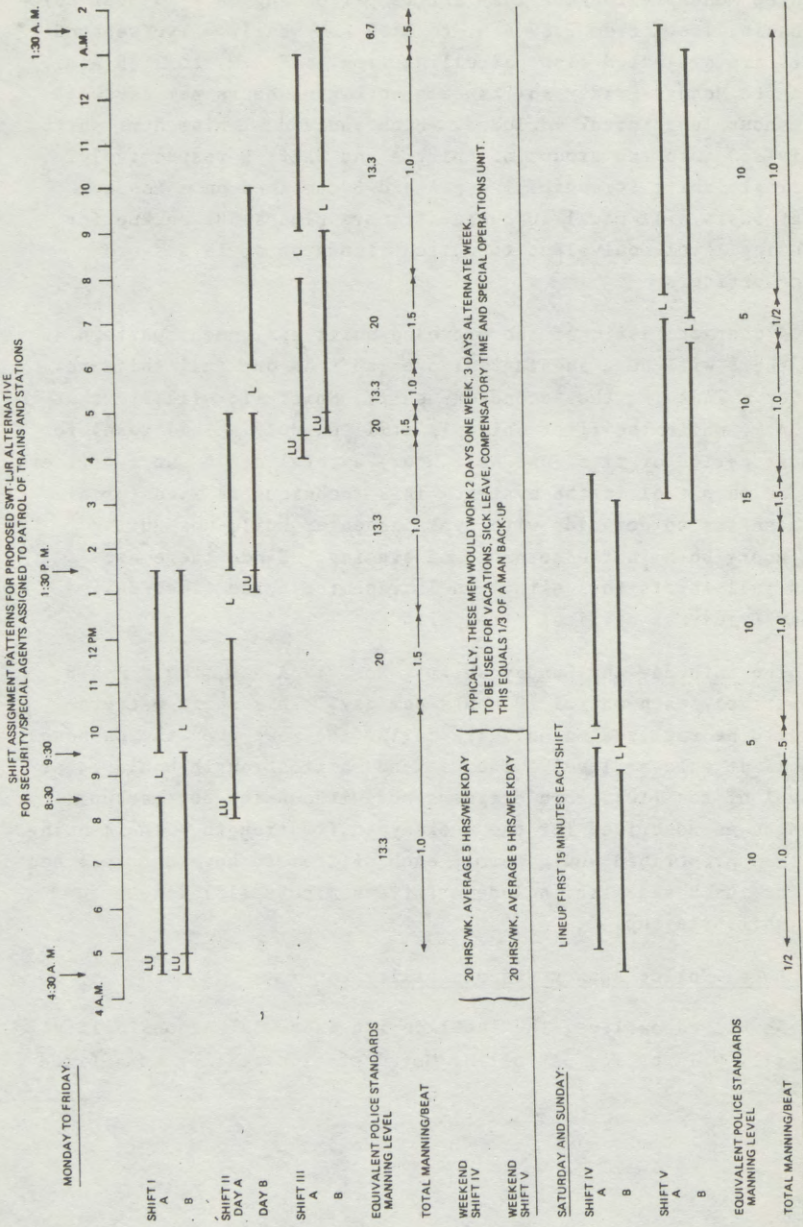
A consideration taken into account by the project team was that the Metro rapid transit system is a totally new and functionally designed system reflecting the most modern concepts of underground and surface high-speed mass transportation. Such a new system permits the introduction of innovative techniques of security measures such as the suggested shift assignment patterns. The proposed security force is envisioned as a relatively small force, not exceeding 100 sworn officers, unencumbered with the traditional practices of older established police forces and thus able to be more flexible and responsive to a new environment and unique requirements.

The shift assignment patterns, displayed in Exhibit X, following this page, are based on the latest state-of-the-art patrol and resource allocation techniques. These techniques include random patrols as opposed to standard reiterative and thus predictable patrol. They also include the frequent changing of individual beat patterns along with the time duration of these individual beat patterns.

The objective of this approach is to maximize the physical area able to be covered by a relatively small force and also to conduct a pattern of patrol both on an individual as well as total shift basis so as to minimize potentially wasted time of any officer. The net result is to field a security force utilizing patrol methods which:

- . Insure a rapid response by a Metro Security Officer to every incident on trains and in stations.
- . Delivers changing patrol patterns by Metro Security Officers in such a manner as to be unpredictable to potential offenders and thus serves as a deterrent to criminal activity.
- . Provides Metro security management with both control and flexibility in allocating security resources and in responding to criminal activity trends and shifting security requirements.

EXHIBIT X



The planned shift assignment patterns are based on a system of three Monday through Friday shifts patrolling on a 20-hour per day basis, i.e., from 5:00 A.M. to 1:30 A.M. daily. Two weekend shifts are projected also patrolling from 4:45 A.M. to 1:30 A.M. The three Monday-Friday shifts each work nine hours per day with a one-hour lunch break included. Each individual nine-hour shift is divided into two groups of Shift A and Shift B respectively. One single shift strength, i.e., A and B combined on a Monday-Friday basis will equal 10 sworn officers plus a 30% backup for a manning level equivalent to police standards of 13.3 sworn police officers.

A characteristic of the proposed shift assignment pattern is that there will be a substantial overlap from one full shift to another. That is, the second day shift, Shift II, will start at 8:00 A.M. while the first shift is still on duty. This means for a short period of time (one half hour) a total of 26 sworn officers will be on patrol in the system. This technique is used for all three shifts to coincide with peak passenger build-ups during rush hours both in the morning and evening. Since there are three full shifts this situation is repeated three times daily Monday-Friday at critical time periods.

The Saturday and Sunday shifts, Nos. IV A & B, and V A & B respectively each patrol 10 hours per day. This shift pattern can also be employed on holidays during the week when the passenger load is at a lower level. The weekend shift strength would be at a level of ten (10) sworn officers but without the 30% backup strength as described for the weekday shift strength. The manning level so prescribed would permit each officer to have one full hour off for lunch and also include a fifteen minute (15) lineup for each shift startup.

(3) Local Police Agency Responsibility

As stated earlier, the local police agency's responsibility primarily will be for patrolling Metro stations either on a fixed

post or mobile basis. The local police agencies are also assigned the responsibility for providing patrol coverage for Metro patron parking lots. It is desirable to outline the expected impact upon the local police agencies in their assumption of these responsibilities with respect to annual dollar costs, manpower requirements and modes of response to requests for assistance.

Condition of Anticipated Local Police Agency Response

In this patrol mode the Metro security officer will respond on a first priority basis to a call for assistance from a station kiosk attendant. The kiosk attendant will use his telephone to call the Security Communications Center Dispatch who in turn will exercise judgment in exactly how the call will be relayed to the nearest Metro Security Officer. The local police agency will respond on a nonpriority basis although this is largely a function of the type of need or seriousness of the specific incident.

(4) Local Police Agency Patrol Manloading

To determine approximate manpower requirements of each of the individual local law enforcement agencies it was necessary to assure that all had comparable patrol patterns, shift structures, etc. It is possible, therefore, that the ultimate manpower needs of an individual force may exceed or be less than those calculated here. As a base for determining manning requirements, stations were divided into three Categories of I, II and III. A station in Category I requires Intensive Patrol, and a station in Category II requires Routine Patrol. The patrol is to be provided by the local agencies. Stations in Category III will receive a response only upon a specific request for assistance by a Metro representative. The definition of these patrols while stated earlier in Section III is repeated here for continuity and ease of explanation.

Intensive Patrol: A level of patrol provided by local authorities of Metro passenger-related facilities which (1) exceeds twice the patrol coverage which commercial and public facilities having a similar citizen utilization would receive, (2) generally provides station patrol at least four times during each shift requiring at least 45 minutes of patrol per shift

(.20 to .30 officer/man-days/day) but it can require the posting of one or more men on a fixed or roving basis in stations experiencing or having the possibility of experiencing serious problems in relation to public security or confidence, and (3) priority response to calls-for-service for crime-related activities, emergencies, and passenger accidents. Additional special emphasis and patrol would be provided in stations where patrons would be likely to make transfers between trains.

Routine Patrol: A level of patrol of stations and adjoining Metro passenger-related facilities which does not exceed twice the patrol coverage which commercial and public facilities having a similar number of citizens normally receive from local police agencies but may be supplemented by Metro's basic patrol.

Basic Patrol: A level of service provided by Metro security. Generally providing station patrol a minimum of once each hour, and an average response time for calls (requests) for service for both crime-related and other events which is less than that which is provided in urban areas in the Washington Metropolitan Area. Additionally, a major activity includes patrol of trains during all periods of passenger service.

In Category I stations, the manloads range from a base level of .20 men per shift per day to 1.20 men per shift per day. This is equivalent to a minimum of 90 minutes of local law enforcement patrol per eight (8) hour shift per day per station.

In Category II stations the manload is assumed to be not more than twice the normal patrol coverage per shift/day. This is equivalent to 45 man-minutes per shift per day. This estimate is double the normal patrol coverage for comparable situations. The normal patrol level is estimated as 23 man-minutes per shift per day (5% of a patrol officer)*. Hence the incremental additional Metro related patrol costs will be 22 additional man-minutes per shift per day (5% of a patrol officer).

Category III stations would not receive any incremental patrol by local agencies. The factors which were considered regarding the manloading were as follows:

- the relative amount of crime anticipated to occur per month
- the number of passengers using the station in peak hours
- the severity of the type of criminal activity as it impacts upon Metro's environment.

The base cost of police manpower was selected at Step "E" or \$11,000 for a patrolman using Montgomery County Police Department salaries. The individual local jurisdiction costs however were calculated on their own actual base salaries. A base manpower cost adjustment equals 1.15 times the base manpower cost. The adjustment included an average for all jurisdictions of backup costs, administrative overhead and fringe benefits. A total cost of manpower was calculated using a factor of 2.15 times the base manpower cost times a six percent (6%) cost of living salary adjustment. A net cost factor was developed for these calculations equalling 2.27 times the base manpower cost.

District of Columbia: The manloading required for District of Columbia is greater than any other jurisdiction since there are twenty-three (23) Category I and II Metro stations in the District out of a total of 47. For example, of the sixteen (16) Metro stations classified as Category I, eleven (11) are in the District of Columbia or 68% of this Category. Twelve (12) Category II stations are in the District of the thirty-one (31) or 38%. The total incremental patrol (over that amount which would normally be provided) required from the Metropolitan Police Department is estimated to be 19.2 police officers as a base per each 24 hours. The detailed manpower and cost calculation is presented below.

Base cost - manpower \$10,400	
Intensive patrol 2 @ 20%-3 shifts	= 1.2 men
Intensive patrol 3 @ 30%-3 shifts	= 2.7 men
Intensive patrol 3 @ 40%-3 shifts	= 3.6 men
Intensive patrol 3 @ 70%-3 shifts	= 6.3 men
Intensive patrol 1 @ 120%-3 shifts	= 3.6 men
Routine patrol 12 @ 5%-3 shifts	= 1.8 men
Total incremental patrol	19.2 men
Total incremental patrol cost \$453,273.60	

These calculations assume 2.5 shift coverage per station plus a backup of .5 men per station in addition to the backup provided by the base cost adjustment.

* Urban Police Patrol Analysis, R.C. Larson, MIT press, 1972

Fairfax County

Base cost - manpower \$11,000.00
 Intensive patrol 1 @ 20%-2 shifts = .4 men
 Routine patrol 1 @ 5%-2 shifts = .1 men
 Total incremental patrol cost \$12,485

Alexandria County

Base cost - manpower \$11,050
 Routine patrol 3 @ 5%-2 shifts = .3 men
 Total incremental patrol .3 men
 Total incremental patrol cost \$7,525

Arlington County

Base cost - manpower \$10,500
 Intensive patrol 1 @ 35%-2 shifts = .7 men
 Routine patrol 4 @ 5%-2 shifts = .4 men
 Total incremental patrol 1.1 men
 Total incremental patrol cost \$26,218.50

Montgomery County

Base cost - manpower \$10,900
 Intensive patrol 1 @ 25%-2 shifts = .5 men
 Routine patrol 6 @ 5%-2 shifts .6 men
 Total incremental patrol 1.1 men
 Total incremental patrol cost \$27,217.30

Prince George's County

Base cost - manpower \$10,600
 Intensive patrol 1 @ 20%-2 shifts = .4 men
 Intensive patrol 1 @ 25%-2 shifts = .5 men
 Routine patrol 5 @ 5%-2 shifts = .5 men
 Total incremental patrol 1.4 men
 Total incremental patrol cost \$33,686.80

The total incremental patrol costs for all local jurisdictions represents an annual cost of \$552,800 for a force of police officers equalling 23.6 men.

V. LEGISLATIVE CONSTRAINTS ON METRO SECURITY OPERATIONS

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The Metro security force, as with other enforcement oriented operations, has as its justification for existence the execution of laws and regulations designed to promote the general welfare. As in the use of other police forces, a Metro security force must perform its functions within these same legal constraints. Unlike other police operations, Metro is faced with providing security across a Transit Zone covering the District of Columbia and portions of two states, which encompass four counties, several independent cities, and other municipal corporations. Each of these individual governments has in varying kinds laws, ordinances, and regulations, as well as law enforcement and judicial processes which have structural significance for the Metro security program.^{1/}

This Section is concerned with the constraints on security operations occasioned by the multifarious laws affecting the Transit Zone, and with specifying areas where legislation can improve operations. The philosophy which is proposed, is to introduce legislation, where permissible, which will minimize the obstacles presented by the multi-jurisdictional arena in which the security force must operate.

Four legislative levels have been devised to depict the constraints on security operations. They cover the spectrum from operations under existing laws to the conception of the Transit Zone as a single jurisdiction. Although each of the four levels is described as discrete entities, they are, in fact, drawn from a continuous range between the two extremes, Levels I and IV.

For purposes of comparison, each of the four levels is described by contrasting six elements. These elements are:

^{1/} A Memorandum by the WMATA Special Counsel on its legislative research regarding system security is contained for reference in Appendix B.

- . Force -- The type of officers in the security organization.
- . Jurisdiction -- The extent of their territorial authority.
- . Authority -- The scope of their police powers, especially arrest.
- . Venue -- The requirement that a defendant be tried in the locality of the crime.
- . Pursuit -- The extension of arrest powers into neighboring jurisdictions under conditions of hot or fresh pursuit.
- . Extradition -- The legal process of transferring defendants from the detaining jurisdiction to the jurisdiction having venue.

The levels may be characterized in summary by the extent of jurisdictional authority they imply, for example:

- . Level I -- Local jurisdiction, similar to the many jurisdictions through which Metro will pass.
- . Level II -- State wide jurisdiction.
- . Level III -- System wide jurisdiction, which limits the implications of political jurisdictional boundaries.
- . Level IV -- Improved system wide jurisdiction building upon Level III with further management-oriented legislation.

It is recommended that Metro actively pursue the Level III legislative efforts since that level best balances the need for establishment of an efficient, mobile security force with the need to propose "feasible" legislative changes. Legislation falling short of this third level handicaps good law enforcement and crime prevention to the benefit of criminals crossing jurisdictional lines.

Level IV should be pursued only after careful study and analysis have clearly demonstrated that certain items contribute to the effectiveness of the security system and may be legislatively achievable.

1. LEVEL I (LOCAL) SECURITY OPERATIONS UNDER THE EXISTING
COMPACT AND LAWS

Section 76 of the Compact authorizes the Board "... to employ watchmen, guards, and investigators as it may deem necessary for the protection of its properties, personnel, and passengers and such employees, when authorized by any jurisdiction within the Zone, may serve as special police officers in any such jurisdiction."

There is legal authorization for special police, or officers of equivalent authority, in the District of Columbia, Maryland, Virginia, and in all the political subdivisions. Although definition of such officers differs from jurisdiction to jurisdiction in terms of appointment, tenure and authority, their essential functions are available to Metro on a strictly local basis.

A summary description of Level I elements is as follows:

- Force -- An amalgamation of special police officers appointed by and for each individual locality.
 - Jurisdiction -- Limited to the appointing locality: District of Columbia, the cities of Alexandria and Arlington, Fairfax, Montgomery and Prince George's Counties. It is possible for an officer to be simultaneously appointed by more than one jurisdiction, thereby adding a degree of flexibility. In Virginia, however, special police must reside in the Commonwealth during their tenure.
- In all cases, jurisdiction would be limited to those areas designated in the appointments, which could be as small as an individual station. Although Metro is only interested in securing its own property, a limited appointment does constrain mobility from a system wide perspective.
- Authority -- As a generalization, special police have the authority of regular police within their specific geographical jurisdictions. That is, they may arrest without a warrant when there is probable cause to believe that a felony has been committed and that the arrested person committed it, or when a felony or misdemeanor has been committed in their presence. Most of the jurisdictions prescribe minimum qualifications for appointment.

Venue -- Since arrest powers are confined to the locality of the appointment it follows that venue, or trial location, presents no problem. A possible exception is hot or fresh pursuit across interstate boundaries. This is remedied by the extradition process, feasible in felony cases to which fresh pursuit is limited.

Pursuit -- Fresh pursuit for all crimes intrastate but interstate pursuit is only authorized for felonies.

Extradition -- Available in all the major jurisdictions for felonies and misdemeanors, although usually cost prohibitive for less than serious offenses.

Although a security force can be operated on this level, it cannot be managed so as to be responsive to the interjurisdictional mobility of criminals in the Metropolitan area.

2. LEVEL II (STATE) LEGISLATION TO EXPAND JURISDICTION TO STATE BOUNDARIES

This level utilizes special police for Metro security officers but expands their jurisdiction to state boundaries, and further grants to Metro the power to appoint special police.

This level also envisions legislation and compact amendments authorizing Metro to promulgate regulations and which define maximum criminal sanctions for offenses under these regulations. The purpose is two-fold; (1) to introduce a level of uniformity to the myriad of local ordinances which impact security of operations and, (2) to provide for the ease of inclusion of regulations which may be unique to transit operations but which would be otherwise difficult to enforce. Examples are: carrying an open can of spray paint, fare beating and the placing of materials on the rails (especially materials having conductivity).

Precedence and an excellent example for such regulation exists in the regulations of the Delaware River Port Authority System (PATCO). Appendix C.

A summary description of Level II elements follows:

Force -- Special Police appointed by Metro for each state, subject to the qualifications, limitations on power, tenure and other constraints the respective legislatures deem advisable. Officers would have line-wide authority within a state.

Jurisdiction -- As mentioned above, each officer would have line-wide jurisdiction within the state of his appointment. This adds limited flexibility to the force while allowing the sovereignties to maintain control over their police forces.

Authority -- Certainly no diminution of the powers available in Level I. The addition of Metro regulations is seen as enhancing existing authority by making infractions more susceptible to enforcement. This is important as most criminal activity will be at the misdemeanor level where expeditious enforcement may well provide the strong deterrent.

Venue -- Founded in state and Federal constitutions, it cannot easily be modified for the advantage of law enforcement. There is precedent, however, for establishing venue in cases at or near boundaries when precise location is unascertainable. Familiarization of security personnel with each state's interpretation of venue, jurisdiction, and vicinage together with doctrines such as Continuing Crime (applicable mainly to larcenies) and In Transitu statutes (crimes on public conveyance) may broaden venue and obviate extradition in some cases.

Pursuit -- Intrastate pursuit is eliminated from consideration with the grant of line-wide authority to arrest within the appointing states. Interstate fresh pursuit for felonies would continue.

Extradition -- No change from Level I.

Security system operations under Level II conditions would be vastly improved over those at the lowest level. Expansion of jurisdiction for individual officers to state boundaries enhances mobility and effectiveness. The authority for Metro to promulgate its own regulations would be a significant step toward uniformity of infractions throughout the transit zone and would facilitate enforcement of what would otherwise be gaps in coverage provided by local law. Felony jurisdiction would remain unchanged. In all cases jurisdiction would be concurrent with that of local police.

3. LEVEL III (SYSTEM WIDE) LEGISLATION AUTHORIZING METRO TO EMPLOY A LINE WIDE POLICE FORCE

This level is considered necessary to support the type of small, well-trained, highly-efficient security force recommended for Metro.

Implicit in the description of the small, highly mobile force is the proper legislative arena within which they will operate.

The Level III elements are as follows:

Force -- Metro would be granted the authority to appoint officers and establish qualifications, powers and limitations for the security force. It is recommended that security officers have full police powers on Metro property in order to ensure a high level of professionalism and gain respect in the police community. This will help Metro attract and retain the high caliber of individual necessary to maintain security with a firm yet public assistance oriented attitude.

Jurisdiction -- Officers would have line-wide jurisdiction on all Metro properties. This would be concurrent with the jurisdiction of local police. From an operational point of view, patrol and other responsibilities shared by Metro with local forces will have to be carefully delineated, probably on a station by station basis. Line wide jurisdiction is necessary for adequate policing of a system capable of speeding trains and occupants across several political boundaries in a matter of minutes.

Although most criminal activity is expected to be minor, almost nuisance level, it is important that security officers have sufficient authority to avert or otherwise handle these as well as more serious situations.

Venue -- Since offenders may often be apprehended in a jurisdiction different from that where the offense occurred (due to their increased mobility) venue presents itself as a potential constraint on efficient prosecution.

There is no simple legislative solution to the venue problem. Legislation establishing a presumption of venue in a jurisdiction when the actual locality of the crime is unascertainable is a possible remedy, although physical marking of boundary lines is more practical. Another approach to the venue problem ... lies in the area of legal doctrines and statutes: continuing crime doctrine and in transitu statutes. In both approaches, elements of the crime are considered as occurring in two jurisdictions giving venue to both of them. Some relief can be obtained now in certain cases, i.e., larceny with consequent asportation. Discussion of venue continues in the Level IV discussion.

Pursuit -- Line wide arrest powers eliminate any pursuit limitations for arrests on the line. However, fresh pursuit

from transit property into surrounding areas is still a potential problem and it may be advisable to illustrate special authority in the legislation.

Extradition -- The process of removing a defendant from the detaining jurisdiction to the jurisdiction having venue is economically unfeasible for misdemeanors.

4. LEVEL IV (IMPROVED SYSTEM WIDE) MAJOR LEGISLATIVE EFFORT TO TREAT THE TRANSIT ZONE AS A SINGLE JURISDICTION AND OTHER MODIFICATIONS

This level is not essential for a satisfactorily efficient operation of the security system, but it is desirable in approaching an optimum security operation. Sufficient study and analysis are required to piece together the achievable and desirable elements of the improved security system prior to legislation for a well-justified body of laws. Many of the items presented in the description of this level are intended for thought-provoking examination and may ultimately be dismissed as unfeasible. Others may be introduced with considerable savings in economic and social costs.

The methodology employed in arriving at the suggested areas for investigation was to examine Level III operations and then ask "what will likely be the constraints to more efficient operations at this level?" The following factors emerge as potential obstacles:

- The limited jurisdiction of Metro security officers (restricted to transit properties) may raise many fresh pursuit situations with resulting confusion.
 - Interstate pursuit is limited to felonies
 - Extradition may be required
- Pursuit should be unlimited within the Transit Zone for all transit-related crimes.
- Many of the police officers of local jurisdictions will use Metro in commuting for their personal needs. Should not this additional presence be used by giving sworn officers line-wide jurisdiction to arrest for transit related crimes?
- Although local police will have concurrent jurisdiction with Metro Security, in certain jurisdictions they will be operating under a stricter standard for misdemeanor arrest. Resolution of this is a local problem however.

- . Transportation and booking of offenders for infractions may not be economically feasible. Cannot citations be used in a manner analogous to traffic and ordinance violations?
- . Venue and the possibility of extradition will hamper operations and may make prosecution for infractions unfeasible. Expansion of the Continuing Crime Doctrine and introduction of in transitu statutes can go a long way to alleviating this situation.
- . The constitutionality of eliminating extradition or at least delegating it to a much lower level of authority for all misdemeanor crimes should be explored.

Categorization of these areas for improvement in terms of previously used elements for comparing the legislative levels of operations resulted in:

- . Force -- Same as Level III.
- . Jurisdiction -- Arrest powers, concurrent with local sworn police, in all compact jurisdictions for transit related crimes.
- . Authority -- Same as Level III, but see jurisdiction above. Issuance of citations for infractions.
- . Venue -- Expansion of doctrines of Continuing Crime or passing of in transitu crime statutes to make the venue practically colloclal with arrest.
- . Pursuit -- Unlimited within the Transit Zone.
- . Extradition -- Eliminated in Transit Zone by making of venue colloclal with arrest.

As mentioned in the beginning of this section, none of the levels are really discrete. Legislative improvements in all of the elements listed are possible. What remains is for Metro management to decide upon the level of security system operation satisfactory to them, and then to pursue its attainment.

5. RECOMMENDED LEGISLATION

Legislation, either as Compact Amendment or otherwise must be initiated in the U.S. Congress and both the Maryland and Virginia legislatures. This legislation shall:

- . Authorize Metro to appoint police officers meeting the qualifications of all the jurisdictions in the Transit Zone.
- . Authorize full police powers including arrest without a warrant, upon probable cause, for all offenses occurring on Metro properties, and all continuing offenses involved on Metro property.
- . Authorize fresh pursuit in the above circumstances.
- . Establish the venue of crimes committed on trains in uncertain locations as concurrent in both jurisdictions whose boundaries are involved.
- . Authorize Metro to establish Regulations, following appropriate hearings, the violation of which is subject to criminal penalty. (See PATCO example in Appendix C).
- . Establish a maximum criminal penalty for the violation of Metro regulations.

VI. PROPOSED SECURITY DIVISION ORGANIZATION

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This section addresses the major components of the proposed Security Division's organizational planning. The structure of the Security Division's organization should reflect the goals and objectives not only of its own division but encompass those of the total Metro system. Thus the Division should be organized functionally just as Metro facilities are designed functionally in order to achieve the latter's requirements of architectural simplicity and efficiency. This section consists of three subsections which are: (1) Security Division objectives, (2) organizational structure and major functions, and (3) personnel Allocation.

1. SECURITY DIVISION OBJECTIVES

Currently the Security Division does not exist in a formal sense, its organizational structure is not defined and with the exception of the Superintendent of Security no staff is assigned. As a necessity therefore its objectives as stated below are those which are considered desirable and realistically achievable.

In developing a set of objectives for the Security Division organization, the objectives for the security program itself should be examined and incorporated into these plans. Section II, Metro Security Problem Environment, identified the primary objectives of the security program as:

- . Protection of the Patron
- . Performance of Personal Services and Provision of Aid in Emergencies
- . Protection of Metro Operating Personnel
- . Protection of Metro Facilities
- . Protection of Metro Revenues

The objectives of the proposed Security Division, however, must be more specific and oriented toward the individual functional units of the Division. Examples are as follows:

- . Internal Affairs - to insure the integrity of the Division's security procedures
- . Bureau of Field Operations - to achieve and maintain a high order of patron and employee safety on Metro trains and stations
- . Bureau of Operations Support - to achieve and maintain a high order of security for Metro facilities and revenues

It is desirable to identify in the planning process, as possible, any obstacles which might serve as a constraint upon the Security Division achieving its primary and specific functional objectives. We do not consider at this time that there are any major obstacles in fact which would preclude such an achievement. Metro is inheriting a climate of excellent local jurisdictional willingness and a spirit of cooperation among the participating local police jurisdictions. The local governments are active in the Metropolitan Washington Council of Governments in the area of public safety and are knowledgeable regarding Metro security requirements. There are, however, potential operational obstacles such as the problem of enforcing Metro's own rules or ordinances, the problem of misdemeanors and related areas requiring consideration and attention. As the Security Division develops and matures and as supporting legislation is defined and ultimately achieved many of these obstacles will be overcome.

The Metro Security Division must assume for itself a role of actively pursuing good relations and coordination and cooperation with the local jurisdictions. This is essential for the success of the Security Division as well as for the Metro system.

2. ORGANIZATIONAL STRUCTURE AND MAJOR FUNCTIONS

A Superintendent of Security is designated to serve as the chief executive officer of the Division and is to be held accountable for achieving the Division's objectives. His role is envisioned as providing strong leadership to the staff and of assuming a major role in maintaining the coordination with the local police jurisdictions considered essential to the Security Division's successful functioning. The Superintendent of Security should also assume a major role in developing community relations and would be expected to be a frequent speaker and attendee at citizen meetings and civic organizations to insure a continual visible interest in the attitudes of the community.

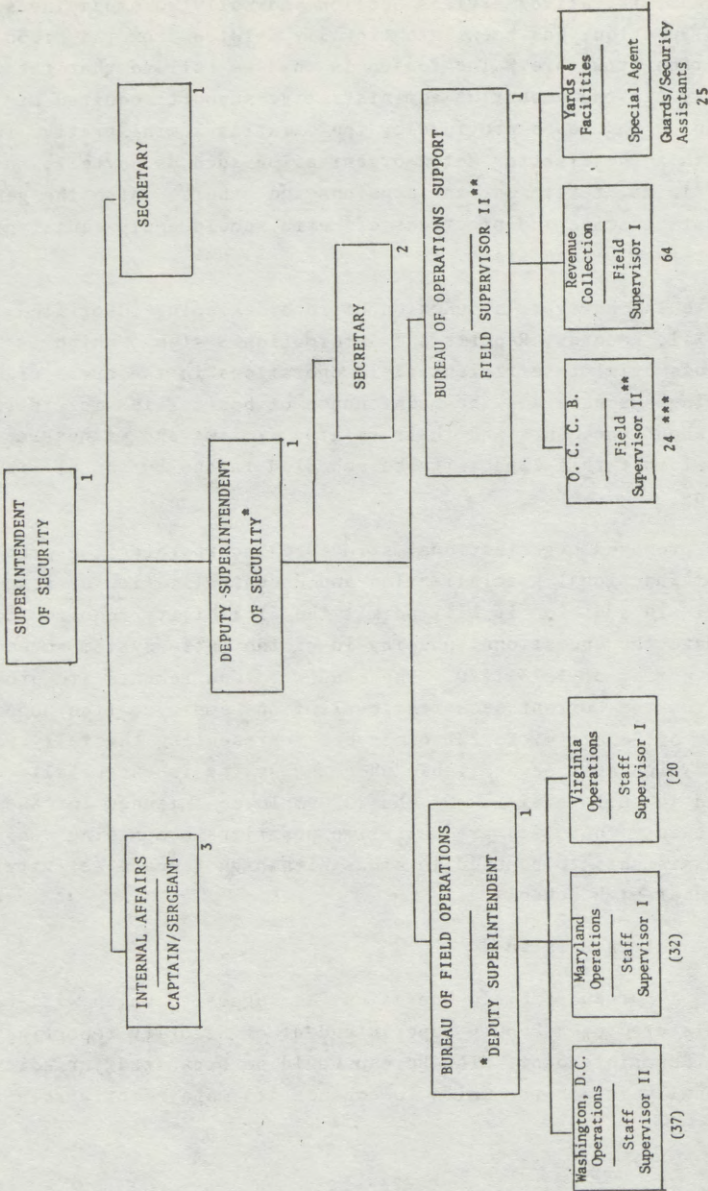
The Superintendent is also expected to be responsible for overseeing the functions of planning, staffing, policy development, budgeting, and inspecting.

Exhibit XI, following this page, portrays a proposed organizational structure which reflects the stated primary objectives of Metro's security program itself as well as the objectives of the Security Division.

As shown in Exhibit XI, the Division is organized into two major bureaus and one section: (1) the Bureau of Field Operations, (2) the Bureau of Operations Support, and (3) the Internal Affairs Section. These three units are assigned the following functional responsibilities:

- Bureau of Field Operations - all passenger related facilities in Washington, D.C., Maryland and Virginia
- Bureau of Operations Support - all nonpassenger related facilities in Washington, D.C., Maryland and Virginia
- Internal Affairs Section - intelligence gathering and reliability of security procedures

PROPOSED SECURITY DIVISION ORGANIZATION



* Deputy Director Serves in Dual Capacity.
 ** Field Supervisor II Serves in Dual Capacity.
 *** Include communication dispatchers & supply/records

An Administrative Services Section, normally accompanying such a police function, has been intentionally deleted from the proposed organization structure. The reason is that we believe that the relatively limited amount of administrative support required of such a force should be provided by the existing administrative functions within the existing Metro organization such as payroll, insurance claims, retirement and pensions and others. Also the general employment policies and practices of Metro should apply equally to the Security Division staff.

There is, however, a function of record keeping identified in Section XII, Records, Reports and Information Systems, which is considered essential to efficient field operations in the areas of identifying suspects and the maintenance of basic files for retrieval of data about incidents and their related victims and witnesses. We suggest that this capability be embodied in the Bureau of Field Operations.

The proposed organizational structure incorporates the principles of functional specialization and decentralization of responsibility. In addition it will permit the flexibility required to accommodate the operational phasing-in of the Metro system spread over the period of 1973-1979. The manpower requirements are projected from the current security level of one employee (the Superintendent of Security) to 222 employees representing the full system manpower which must be available when the system is essentially complete and in full service. Of the 222 employees planned for the full system, twenty-four (24) are half-time positions comprising Junior Patrol Assistants to be used in areas with high teenage activity such as near high schools.

(1) Patron Related

A Bureau of Field Operations is suggested which will be administered by a Deputy Superintendent of Security reporting to the Superintendent. The Bureau would be organized jurisdictionally into three units to enhance its management within the

Security Division. Such an arrangement will also be beneficial in maintaining good coordination and liaison with the respective jurisdictions since they reflect different problems of security as well as sectional philosophies with regard to law enforcement. See Exhibit XII, following this page.

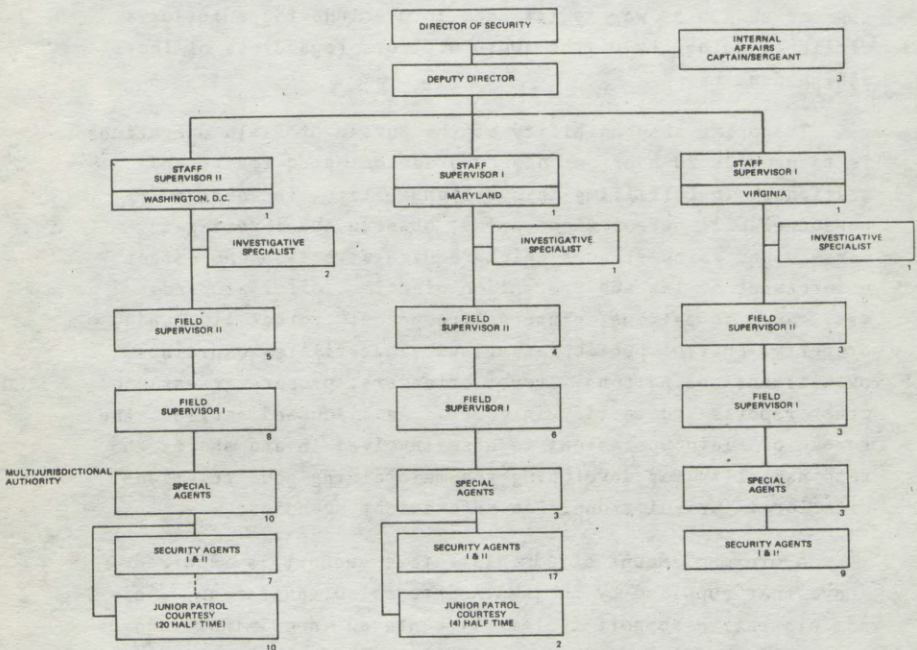
Each jurisdictional unit is commanded by a Staff Supervisor with Washington, D.C. requiring a Staff Supervisor II with the comparable rank of major as opposed to the other two units commanded by Staff Supervisor I's with the comparable rank of captain. It is significant to note that the proposed Metro grade classification structure is above comparable local jurisdiction grade. The jurisdictional separation is for ease of command and in no way is intended to preclude the multijurisdictional authority of the sworn officers regardless of their assigned units.

The prime responsibility of the Bureau of Field Operations is to provide 20 hour per day coverage on Metro trains and stations. In fulfilling this responsibility, the assigned personnel will patrol those areas; observe and investigate persons and circumstances which require attention and effect enforcement of law and prevention of crime; offer aid and assistance to patrons; preserve the peace; protect life and property; control public gatherings; investigate complaints by citizens and patrons; arrest offenders; prepare arrest and other reports and testify in court. As discussed earlier, the Bureau of Field Operations is also involved in and shares the responsibility for developing and maintaining good relations with local jurisdictional law enforcement agencies.

A minimum amount of administrative support is required above that supplied by the WMATA internal organization. This administrative support is largely centered in criminal record and incident file maintenance. This is largely a clerical function which may not necessarily require a full time position.

EXHIBIT XII

SYSTEM WIDE TRANSIT - LOCAL JURISDICTIONAL RESPONSE
 ANTICIPATED LOCAL RESPONSE
 PERSONNEL CLASSIFICATIONS AND ORGANIZATIONAL STRUCTURE
 BUREAU OF FIELD OPERATIONS



* DENOTES TEN (10) COMMAND PERSONNEL. GENERALLY, TWO ASSIGNED PER SHIFT (SENIOR COMMAND OFFICER INDICATED AT LINEUP THROUGH DAILY ORDERS). NEVER LESS THAN ONE ASSIGNED PER SHIFT.

(2) Nonpatron Related

A Bureau of Operations Support is suggested to be administered by the Deputy Superintendent of Security. A Field Supervisor II with the assigned rank of a captain will assume command responsibility of the Bureau. The prime function of the Bureau of Operations Support is to provide services supportive of those functions which involve the administration and operation of security-oriented nonpatron related activities. The Bureau of Operations Support will consist of the Office Control Center Building Section, the Revenue Collection Section, and the Yards and Facilities Section.

Office Control Center Building Section

The Office Control Center Building Section (OCCB) has one prime responsibility of providing security for the physical building itself including the three Metro floors and lobbies and ground floor entrances relating to the use of the building by those organizations renting space throughout the other eight floors. These responsibilities will be performed by unsworn Security Assistants but more principally by unsworn Guards/Watchmen ranging in classification from grades I-II. The OCCB Section will be commanded by a Field Supervisor II. The individual guard or watchmen assigned to the OCCB to the revenue collection area in the third basement level. This post will be covered by the Revenue Collection Section. The staff of the OCCB section will be approximately 20 in number operating in staggered shifts with some posts covered 24 hours per day, seven days per week. Included in this number will be an unsworn security communications dispatcher familiar with the environment and associated terminology of police communications dispatching.

Revenue Collection Section

The staffing of this section has been identified in Section XIII, Revenue Protection. The prime responsibility of the Revenue Collection Section is to provide security for all revenue related activities:

- within the OCCB revenue counting area
- on revenue collection trains during the hours of 1:00 A.M. and 5:00 A.M.
- during the normal passenger hours when revenue handling is required in stations.

The Revenue Collection Section will number approximately 64 personnel commanded by a Field Supervisor I assigned the rank of a sergeant but equivalent to that of a lieutenant in local police agencies. The separate shifts will be supervised by a nonsworn officer assigned the rank of Security Assistant. Fourteen of the 64 guards will be OCCB Revenue Guards ranging in classification from grades I-II. Only Security Assistants will be armed.

Yards and Facilities Section

This section has the prime responsibility for guarding Metro train storage yards, train inspection shops, warehouses and train repair yards. The section will be commanded by a Special Agent who is a sworn officer commanding nonsworn personnel.

There are five train yards such as Falls Church, Rockville, Glenmont, WMATA Yard, New Carrollton and the WTC East Coach Yard. There will be major shop repair facilities as well as train inspection shops. The exact compliment of guards/watchmen has not yet been defined. An approximate number of required staff is estimated at this time to be 30 guards/watchmen.

Internal Affairs Section

This section has no operational responsibility but is primarily concerned with security procedures relating to the Security Division. Its main purpose is to insure the continued integrity of all Metro security responsibilities. This responsibility will include background investigations of all pre-employment security staff, the conduct of intelligence activities and investigation of suspicious events. This section will consist of maximum staff of four personnel assigned on a jurisdictional basis headed by a grade III Internal Affairs Security Officer. This grade has the equivalent rank of a captain in the local jurisdictional police agencies.

VII. SECURITY STAFF

VII. SECURITY STAFF

The security staffing requirements associated with the recommended Metro security force and organization are a blend of state-of-the-art and innovative public security practices.

The basic paramilitary orientation is to be maintained, but strict adherence to hierarchial staffing practices would be avoided where significant economies could be achieved. Some additional characteristics would be:

- Flexibility in assignment and job classifications to reflect shifts in security system requirements.
- Lateral entry at all levels and for all positions.
- Fuller use of the experience and training of sworn officers (special agents, security agents, and security officers) as decision makers and in roles supervising nonsworn personnel (security assistants, guards, and junior security assistants).

The development of a jurisdictionally-oriented community relations function to be most responsive to local conditions. Community relations would be:

- Performed at the executive level by staff supervisors.
- Major assignment for the field supervisors.
- Enhanced by the attitudes and performance on regular beat (patrol) assignments for special and security agents (sworn officers whose major responsibility is to ride trains and maintain basic patrol of stations).

The development of a jurisdictionally-oriented investigations force as a major aid to Metro's crime deterrent program. Sure and expeditious prosecution has proven to be one of the most effective deterrents to criminal activity. This force will:

- Coordinate criminal cases with local prosecutors and assist in scheduling Metro employees as court witnesses.
- Assist local investigation units in locating witnesses, Metro employees, and private persons for interrogation.
- Conduct field interrogation of Metro employees when required.

- Assist local investigation units in evidence collection.
- Assure the smooth flow of Metro related cases through the local criminal justice processes.

The development of an internal affairs group within the command function to assure the integrity of the security function and maintain maximal effectiveness of the security staff. This group:

- would perform or direct investigation on internal disciplinary matters at the request of the superintendent.
- would investigate (or assist in investigation of) internal theft and other criminal activity by Metro employees.
- would test the responsiveness and effectiveness of the security system.
- would monitor security personnel performance and compliance with policies and procedures.

(1) Personnel Classifications

The following is a listing of the security staff classifications to be used by Metro, their general job descriptions, and an identification of comparable local law enforcement titles where appropriate. It is recommended that all clerical and administrative employees be civilians and that existing Metro personnel policies be applicable to these employees.

PERSONNEL CLASSIFICATIONS

Classification

Staff Supervisor II	Has Executive Command responsibility
I	A. Assumes local/jurisdictional coordination and negotiation roles
	B. Performs and initiates executive level community relations
	C. Has at all times executive responsibility for assigned jurisdictions
	D. Assumes executive responsibility for all METRO security on assigned shifts

Classification

Internal Affairs III II I	Is responsible to the Director to assure the integrity of all METRO security responsibilities in his jurisdiction. Assures the reliability of security procedures. Coordinates intelligence with Deputy Director. Reviews background checks of all personnel assigned to his jurisdiction. Has no direct operational responsibilities. Is responsible for hiring and performance review of any intelligence operative hired on a problem or temporary basis.
Field Supervisor II	Has Command responsibility on a shift and in a jurisdiction. A. Reviews performance of all personnel assigned to jurisdiction/shift. B. Assumes operational command of METRO security on assigned shifts. C. Coordinates jurisdictional/shift intelligence with Deputy Director. D. Assumes Community Relations roles. E. Assumes Juvenile Relations roles.
Field Supervisor I	Has supervisory responsibility on assigned patrols (beats). A. Supervises line-up (roll call) B. Exercises direct field (on trains, in stations) supervision and has responsibility for the performance of both sworn and other personnel on assigned lines (patrols/beats). C. Assumes Community and Juvenile Relations roles. D. Is responsible for coaching assigned personnel. E. Assumes operational supervision of a jurisdiction on assigned shifts.
Investigation II	Assists local police and their investigation agencies in evidence collection and case preparation. A. Are dispatched to the scene of all Metro-related major felonies to assure evidence collection requirements of local agencies are met. B. Communicate with agent or supervisor in the field on lesser crimes as to appropriate actions regarding the safeguarding of evidence until representatives of the local investigative agency arrive. C. Assist local police and investigative agencies in collecting evidence from Metro facilities (including entry and evidence collection in tunnels) and in case preparation.

- D. Coordinate Metro cases with local prosecutors.
- E. Assure Metro employees are available as witnesses and questioning and assist in obtaining and locating other witnesses.

Special Agents

- Sworn officers assigned to multijurisdictional patrols (beats). These officers would be specially trained and highly experienced. They would be capable of operating relatively independently on special tasks to which they might be assigned.
- A. Would perform general supervisory activities where joint or multiple patrols (beats) exist.
 - B. Needed primarily to provide flexibility in resource allocation and assignment.

ClassificationSecurity Agents II
I

Ride trains and patrol stations.

Security (Police)

- Patrol areas where a sworn officer's presence is required.
- A. Both fixed and roving patrols where passenger assistance and protection is required.
 - B. Presently very few officers would have this classification; however, it might be used for officers who would patrol stations during pre-revenue periods.
 - C. Could assume supervision of guards, security assistants, and junior security assistants.

NONSWORN OFFICERS

Security (Police)

- Nonsworn officers; however, some may be special police.
- A. Generally, would not ride trains.
 - B. Would be assigned for the protection of Metro property where the use of an automobile would generally be required (could patrol right-of-way).
 - C. Would be used for revenue protection when sworn officers were not required or available.
 - D. Would have roving patrol assignments in OCCB and of Metro facilities (where auto would generally be used).

Guards/Watchmen III
II
I

- Would be assigned patrol activities not requiring sworn personnel.
- A. Would man fixed-patrol posts.
 - B. Could patrol multiple posts where the use of an auto was not required (e.g., patrol of two or more facilities on the same Metro line - where he could easily utilize Metro for travel).

Courtesy Patrol

Assist in guarding and patrolling of stations, particularly those near high schools and other areas where teenage activity is high. Also would assist passengers and patrol during periods when Metro was used for travel to special events (e.g., high school or other athletic events).

(2) Minimum Qualification Standards

It will be necessary for the sworn officers of the Metro system to have a level of training and experience which meets or exceeds the requirements of the jurisdiction to which they are assigned.

- The structure of the Metro system implies that all Metro security officers and agents would meet the most stringent qualifications existing in the transit zone.
- However, Metro would attempt to obtain legislative approval to set its own minimum standards.
- It should be recognized that minimum standards are a statutory and not a managerial requirement and that Metro will want to employ additional selection criteria.

(3) Recruitment

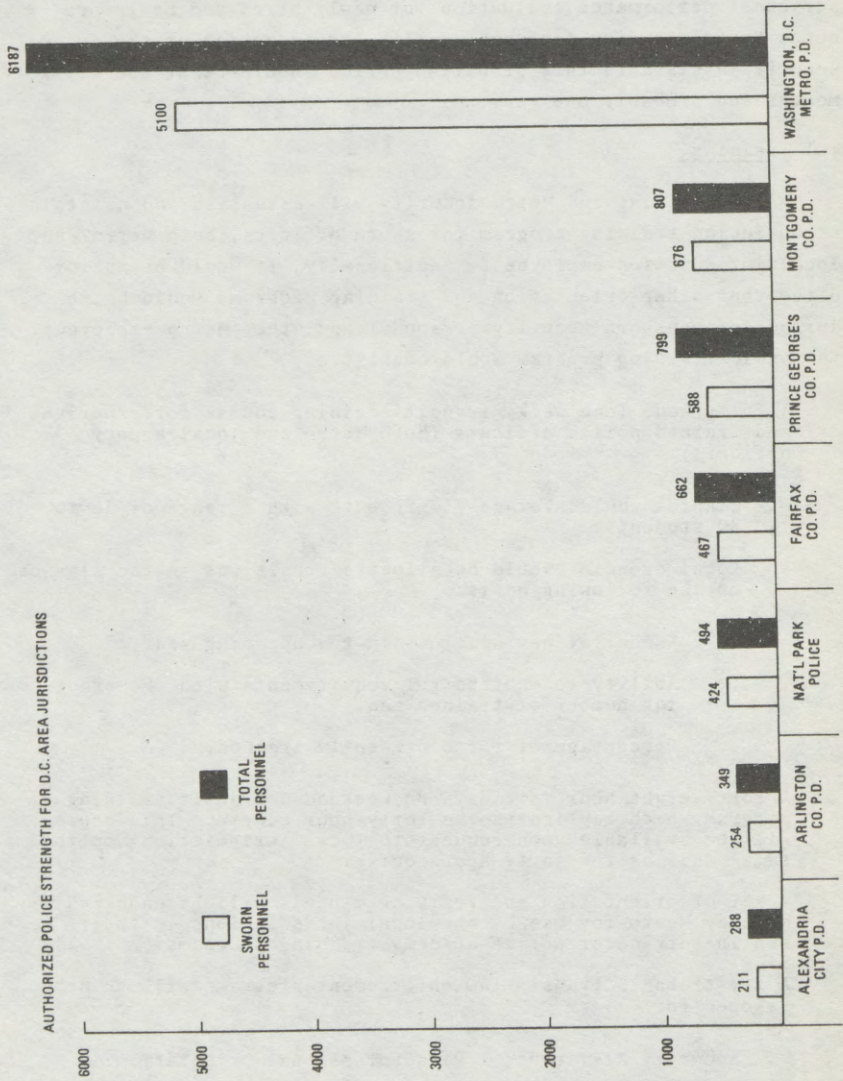
The anticipated limited size of the Metro force makes it likely that Metro will be able to staff from a pool of experienced men from existing local-urban police forces.

- The experience with BART indicates that a significant number of experienced officers will prefer this type of outlet for their professional abilities.
- The staffing needs of Metro are comparatively small with respect to the available pool of qualified officers from the local jurisdictions (see Exhibit XIII, "Authorized Police Strength for D.C. Area Jurisdictions"). Hence it is believed that at least initially Metro will be able to obtain experienced men which meet its selection standards.

(4) Personnel Regulations

The Metro security will develop personnel regulations for its employees. They will be consistent with, and in addition to Metro regulations. These regulations will be required because of the special nature of law enforcement work. The development of

EXHIBIT XIII



the regulations will be accompanied by the initiation of a complaint and discipline procedure for Metro security personnel. Additionally it will be necessary to set up a separate system of probation and personnel performance evaluation for newly-hired and newly-promoted Metro security personnel. With the exception of the junior security assistants this probation period should be at least six months and probably one year.

(5) Training

Metro training and Metro security will establish and maintain a continuing training program for sworn officers, both Metro and local jurisdiction employees. Additionally, it would be anticipated that other orientation and training programs would be required for nonsworn security personnel and other Metro employees. The basic training program would consist of:

- . A forty hour (one week) transit training course for experienced and trained police officers (both Metro and local agency officers).
 - Classes would average 25 students with a range of 20 to 30 students.
 - Local agencies would be allocated positions in the classes on the following basis:
 - .. Number of new stations in the upcoming year.
 - .. Ability to meet patrol requirements with the existing number of trained men.
 - .. Percentage of force presently trained.
- . A forty-eight hour (six days on weekends) transit training program which replicates the forty-hour course. This course will be available upon request to local jurisdictions on the same basis as the forty-hour course.
- . A set of orientation and training manuals will be made available by Metro for use by the local jurisdictions in their own in-service or police academy training programs.
- . A set of basic transit law enforcement programs will be developed for:
 - Security Assistants - Paraprofessional Orientation.
 - Security Assistants - Police Cadet Orientation.

- Guards.
- Junior Courtesy Patrol.

(6) Retirement

The public assistance orientation of the Metro security program reduces the impact of many of the arguments for the military (fixed age) type retirement programs of most policing agencies. Although it may ultimately be necessary to revise the policy as a recruitment inducement, Metro should not plan to establish a special retirement program for its officers. However, it is recommended that the policy on job-related disabilities should be modified to more closely parallel those found in law enforcement agencies.

VIII. ADMINISTRATIVE POLICIES

VIII. ADMINISTRATIVE POLICIES

Efficient management of the Metro Security Division will require the establishing of clear statements of policy to govern and guide employee conduct and the activities of the units within the Division. The Division needs to establish basic policies built on objectives of maintaining a high level of public confidence as well as achieving a high level of efficiency. In this section, some important policy guidelines are identified which should be included among those which govern the security program. Statements of policy will require supplementing with definitive regulations and procedural orders approved by WMATA management.

1. USE OF FIREARMS

The use of firearms by law enforcement officers, in general, has frequently resulted in a heavy press coverage and unfavorable community reaction. This is particularly true in the District of Columbia. In the District, for example, the residents generally prefer a well-trained, responsive police force, but a force that is disciplined in its actions and exercises due restraint.

The policy with respect to firearms nationally does vary. In some situations, officers are not to shoot at felons whom they have reason to believe are juveniles (under the age of 18 years) unless a life is in jeopardy. In other cases, specific felonies are excluded from the list which permit use of a firearm. As an example, a policy might state that a firearm will not be used to apprehend a vehicle thief unless it is known that the suspect has also committed another serious felony.

The important consideration in adopting a firearms policy is the much broader management policy covering security operations. With respect to Metro, a policy that contains merit is one which provides a low profile approach to law enforcement, but which is carried out in an equitable and uniformly firm manner with emphasis directed toward the serious offender. This implies that Metro's security resources

should be devoted to policies of prevention and deterrence as well as investigation, apprehension, and prosecution of those individuals perpetrating serious crimes.

Within these parameters, a firearms policy might be adopted along the following guidelines:

- . Armed officers shall not discharge a firearm in connection with security duties except under the following circumstances:
 - At an approved range;
 - Or, when all other reasonable means have failed:
 - .. In the necessary defense of the officer's life;
 - .. In the necessary defense of the life of another person.

General policy must be supported by clarifying instruction and pertinent regulations. For example:

- . Instruction should explain that it would be a very unique situation in which the policy would authorize shooting at a vehicle thief and that reckless driving, in and of itself, would not be considered within the definition of " ... an immediate danger to the lives of persons in the vicinity."
- . Officers should be advised that discharge of a firearm at a juvenile is acceptable only in the most extreme cases and that the policy will be strictly interpreted in these cases.
- . It should be understood that warning shots are not included within the policy definition.
- . Appropriate regulations must be prepared to cover reporting when a firearm is discharged, accidentally or otherwise, and such diverse topics as display of the weapon, cleaning, purchase or sale, possession off duty, and similar situations.

2. USE OF FORCE AND ENFORCEMENT

The Security Division should establish a general management policy to guide the conduct and activities of its personnel when enforcing laws and using force to subdue violators. Although obvious to the level of experience of security officer envisioned for Metro, it is advisable to document these areas as part of the general security policies.

Use of Force

Security Division personnel should resort to the use of force only when absolutely necessary to apprehend violators or disengage combatants. When force is required, it should not be excessive and should be limited to the amount necessary to accomplish the objective. The application of the policy covers the use of physical force, with or without weapons. Where weapons are involved, it should be augmented by separate policies and reporting procedures (i.e., firearms, "Chemical Mace," and batons).

Enforcement of Laws

Security Division personnel shall perform in a manner reflecting fair, impartial, and courteous enforcement of the law. Consistent with these general guidelines, the relative severity of the offense should be reflected in the actions taken by the officer. Minor offenses involving a relatively compliant suspect do not call for aggressive, intensive effort.

3. PASSENGER ASSISTANCE ORIENTATION

It has been stated frequently in this report that the attaining and maintenance of public confidence by Metro is a much desired objective. A necessary step in attaining this objective is the development of policies and procedures which regulate and influence the actions of Metro security personnel in their dealings with Metro patrons. The following statements are illustrative of such policy:

Security Division employees shall be courteous and respectful in their dealings with the public. Whenever feasible, they should comply with reasonable requests of Metro patrons in an effort to assist them, and to protect them, or their property.

- . Security Division personnel shall treat all other Metro employees with mutual respect. Security Division members must cooperate with other Metro units to accomplish the prime objective of providing a safe, efficient, and fast transit system for the public.
- . Metro security officers shall demonstrate a continuing and high degree of respect and courtesy to other law enforcement personnel. Where conflicts may arise over jurisdiction or services to be rendered, they should not be disputed in public view. If such conflicts necessitate action on the part of Metro that should be performed by the local jurisdiction, it must be properly recorded and referred to Security Division management personnel.

4. COMMUNITY RELATIONS

There is a distinct difference between community relations and public relations. Throughout the nation, much emphasis is being directed by law enforcement agencies toward improving the image of the police function and in reducing tensions and increasing citizen cooperation in law enforcement programs. Such a program of community relations by Metro will be fruitful in achieving its objectives of high public confidence and dependable ridership. The following general policy considerations would support such a program:

- . To fully develop within the personnel of the Security Division the concept of public assistance.
- . To establish an ongoing community relations program in which every member of the Security Division actively participates, both on a day-to-day basis in performing his official duties and on special occasions as part of more formalized community relations activities.

Additional considerations in support of a policy of community relations might include:

- . All members of the public shall be treated equally, in a helpful, professional, and nonofficial manner.
- . Enforcement of laws and the maintenance of order shall be accomplished in a firm but courteous manner, with force used only when necessary.

- . The development and maintenance of effective relations with community members is the basic responsibility of every member of the Security Division.
- . All members of the Security Division shall participate as directed in any formalized community relations activities scheduled to supplement the daily efforts of all personnel.
- . All complaints against Security Division personnel shall be recorded, investigated, and, if valid, appropriate action taken.
- . All formal community relations programs will be consistent with overall Metro public relations policies and programs, and will be coordinated with the Metro organizational unit charged with ultimate responsibility for effective public relations.

Formal community relations programs in the District of Columbia which have proven successful are represented by groups such as the Youth Courtesy Patrol, the Adult Courtesy Patrol, and Nighttime and Weekend Emergency Centers.

The Courtesy Patrols serve a very useful function in that they provide assistance to businessmen and citizens of the area in promoting safety and reducing crime. These projects assume that each individual neighborhood has its own specific problems and that residents of the neighborhood are best suited to deal with these problems because of increased understanding of the particular community and familiarity with its residents. The members of the patrols act as alarm posts by reporting criminal acts detected to the police. Some variation on this theme for high crime-vandalism stations might prove useful to a Metro Security function. The success of the other program identified indicates that the community will respond in a positive manner if attention and concern, backed up by some limited resources, is displayed toward their problems.

IX. COMMUNICATIONS AND ALARMS

IX. COMMUNICATIONS AND ALARMS

The objective of this section is to identify and describe the basic communications and surveillance alarm requirements of the Metro Security Program and to compare these needs to the currently planned or projected communications and alarm system capability. It is not the intention of this section to present a solution to the communications problem. However, some illustrative conceptual design alternatives are presented in the recommendations portion.

The scope of this brief analysis will include the requirements of the local police, fire and and rescue functions which relate to the Metro Security Program.

The assumptions made for this analysis of the communications needs are that (1) the local police department will provide response in the underground areas in addition to that provided by a Metro security force, (2) the local fire departments will provide primary fire protection and the Metro security force will have access to fire extinguishers, and comparable equipment for use on small fires, and (3) that local fire and rescue services will provide primary rescue and ambulance service. The final communications needs are dependent on the security alternative accepted by Metro and the local governments.

1. COMMUNICATIONS

(1) Summary of Security Communications Requirements

The communications needs of all the public safety agencies that will provide primary or backup services to Metro form a very complex network. As a result each separate form of communication requires a separate analysis. Exhibit XIV, following this page summarizes these needs.

(2) Metro Security Force

A Metro security force would primarily be concerned with notification of the Metro Command Center of changes in

COMMUNICATIONS NEEDS

FROM TO	METRO SECURITY				LOCAL POLICE				LOCAL FIRE			
	Tunnel	Underground Station	Surface	Command Center	Tunnel	Underground Station	Surface	Command Center	Tunnel	Underground Station	Surface	Command Center
METRO SECURITY	Tunnel	X*	X*	X								
	Underground Station	X*	X	X								
	Surface	X*	X	X								
	Command Center	X	X					X				X
LOCAL POLICE	Tunnel											
	Underground Station						X	X				
	Surface					X	X	X				
	Command Center			X		X	X	X				X
LOCAL FIRE	Tunnel								X	X	X	X
	Underground Station								X		X	X
	Surface								X	X	X	X
	Command Center							X	X	X	X	X

* Special emergency situations only.

status and in requests for assistance. The Metro Command Center will initiate contact with the moving force to give specific assignments or redeploy the field personnel.

The transit system will be a potentially difficult problem for police protection because of the large numbers of people involved and the difficulty that either Metro officers or local officers will have in reaching the scene.

To provide anything less than virtually instantaneous two-way voice communications can (1) lower the efficiency of the force (2) raise the danger to passengers and employees, and (3) increase costs due to more cautious manpower allocation.

(3) Local Police

The local police departments have generally an effective communications system for the officer who is away from his vehicle. If the local jurisdictions are to provide primary or backup patrolling for the underground stations, it is unreasonable to expect them to operate in that congested environment with poorer communications than on the surface.

Responsible organizations such as the President's Crime Commission and the Law Enforcement Assistance Administration have encouraged police departments to provide two-way radio capability to the walking patrolmen.

(4) Local Fire and Rescue

The preponderance of fire department support will be ambulance and rescue runs. For illness and minor accidents the communications urgency is reasonably low.

For major rescue and for firefighting operations the requirement for efficient fire communications is very high. Firefighting is already the most dangerous occupation in the United States without adding the potential of going underground with an inefficient communications system.

(5) Evaluation of Existing and Planned Communications Capability

Existing and Planned Communications Capability

The following is a brief summary of the capability of various communications systems that will influence Metro security:

- Telephone System

The Metro telephone system will provide emergency and routine voice communications among the various parts of the system. The entire Metro telephone system will be owned by WMATA.

The switching will be performed by an electronic Private Automatic Branch Exchange (PABX) that will be located at the Metro Command Center at 6th and G Streets. Telephones will be located along the track, in passenger stations, and in Metro Headquarters.

The wayside telephones will be located on each side of the track at no greater intervals than 800 feet. The same wayside telephone instrument will be used for:

- .. administration and maintenance via the push button tone system and the PABX switch.
- .. emergency by depressing one button which overrides any other use of the line and bypasses the PABX switch and connects directly to the Emergency Console at the Command Center.
- .. local maintenance intercom by depressing the maintenance button and dialing the number of another telephone on that line applique circuit.

- Radio System

The mobile radio system is to be composed of three discrete simplex (single frequency) system wide channels and a fourth simplex channel used in the yards.

Each of the three system wide channels is controlled from the Command Center through the use of three base stations located at the Silver Hill, Maryland site for all above ground areas and at each of nine underground transmitter sites.

The above ground base stations and the underground base stations at each site are connected to a single antenna at that site. Each of the base stations at each site may be keyed independently by the Command Center. The Radio System is illustrated in Exhibit XV, following this page.

- Total Metro Communications Capability

The total communications capability of the planned Metro systems is depicted in Exhibit XVI.

- Related Area Communications Systems

The current communications capability of each jurisdiction must be considered, since it relates to the question of the amount of support that would be appropriate for the local jurisdictions to supply to Metro.

For instance, if the Metropolitan Police Department (MPD) is asked to go underground to support Metro and since MPD has a large investment in a radio system in the 450 MHz band, there is a difficult communications interface problem since the Metro antenna system is capable of efficiently handling only 160 MHz signals.

The frequency bands now in use in the metropolitan area are indicated in Exhibit XVII.

(6) Potential Unfulfilled Needs

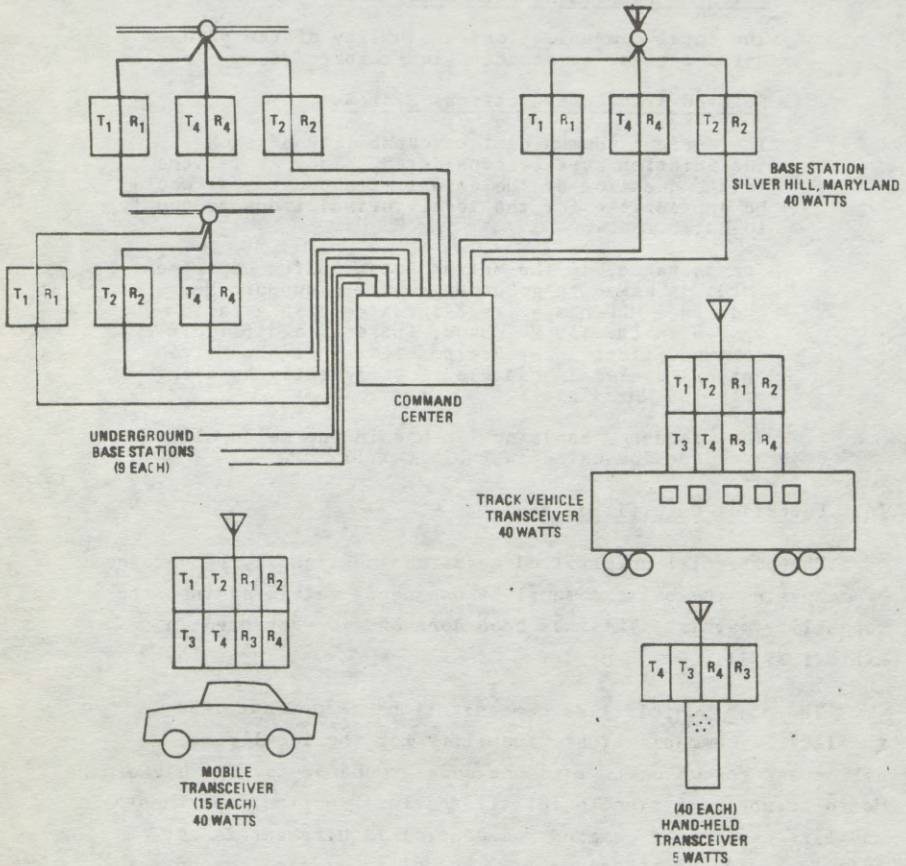
The potential unfulfilled needs can most easily be obtained by comparing the basic communications needs matrix against the capability matrix. This has been done and is presented in Exhibit XVIII.

The major unfulfilled communications need identified is the lack of communications capability for the local fire, police and rescue units into the underground areas. The use of the Metro telephone system to fulfill the local police department and fire department command and control requirement is not felt to be adequate because (1) the police or fire communications center cannot efficiently contact their man underground and (2) the telephone may be so far away as to be inaccessible in times of stress.

METRO SECURITY
RADIO COMMUNICATIONS SYSTEM

FREQUENCIES

- (OPNS) 1 - 160.260 MHz
(MAINT) 2 - 161.025
(YARD) 3 - 161.235
(SEC) 4 - 161.385



PLANNED COMMUNICATIONS CAPABILITY

FROM TO		METRO SECURITY			LOCAL POLICE			LOCAL FIRE		
		TUNNEL	UNDERGROUND STATION	SURFACE CC*	TUNNEL	UNDERGROUND STATION	SURFACE CC*	TUNNEL	UNDERGROUND STATION	SURFACE CC*
METRO SECURITY	TUNNEL	0	0	0	x	0	0	0	0	0
	UNDERGROUND STATION	0	0	0	x	0	0	0	0	0
	SURFACE	0	0	x	x	0	0	0	0	0
	COMMUNICATIONS CENTER	x	x	x	0	0	0	0	0	Δ
LOCAL POLICE	TUNNEL	0	0	0	0	0	0	0	0	0
	UNDERGROUND STATION	0	0	0	0	0	0	0	0	0
	SURFACE	0	0	0	0	0	0	0	0	0
	COMMUNICATIONS CENTER		Δ	Δ		Δ	⊗		Δ	⊗
LOCAL FIRE	TUNNEL	0	0	0	0	0	0	0	0	0
	UNDERGROUND STATION	0	0	0	0	0	0	0	0	0
	SURFACE	0	0	0	0	0	0	0	0	⊗
	COMMUNICATIONS CENTER		Δ	Δ		Δ	⊗		Δ	⊗

*CC = COMMUNICATIONS CENTER
 COMMUNICATIONS CAPABILITY PLANNED
 x RADIO, METRO
 0 TELEPHONE (METRO SYSTEM)
 Δ PUBLIC TELEPHONE
 ⊗ RADIO, NON-METRO
 ♦ PUBLIC ADDRESS, METRO

WASHINGTON METROPOLITAN AREA
PUBLIC SAFETY MOBILE RADIO FREQUENCY BANDS

	<u>Police</u>	<u>Fire</u>
District of Columbia	450 MHz	150 MHz
Arlington Co.	450	150
Fairfax Co.	450	150*
Montgomery Co.	150	150
Prince George's Co.	150	30
Alexandria	450	150
Falls Church	150	-
Bethesda/Chevy Chase Rescue Squad		150
Washington Metropolitan Area Mutual Aid	453.550	154.280

* Planning to convert to 450 MHz_z

EXHIBIT XVIII

UNFILLED COMMUNICATIONS NEEDS

FROM \ TO		METRO SECURITY				LOCAL POLICE				LOCAL FIRE			
		Tunnel	Underground Station	Surface	Command Center	Tunnel	Underground Station	Surface	Command Center	Tunnel	Underground Station	Surface	Command Center
METRO SECURITY	Tunnel	X*	X*	X*									
	Underground Station	X*	X*										
	Surface	X*											
	Command Center												X
LOCAL POLICE	Tunnel												
	Underground Station							X	X				
	Surface						X						
	Command Center				X		X			X	X	X	X
LOCAL FIRE	Tunnel									X			
	Underground Station									X		X	X
	Surface									X	X		
	Command Center				X				X	X	X		

* Special emergency situations only.

Another need is the requirement for police/fire communications center to Metro communications center contact independent of the public switched telephone network.

There might be a justifiable argument made for a difference in the fire communications needs and the police communications needs in the tunnels. An action in the tunnels requiring local police support could probably be halted for such time as it took to provide the police with hand-held radios on the Metro Security frequency.

Fire operations in the tunnel however could probably be such that use of Metro provided (and stored) hand-held radios or the Metro telephone system would be impractical. It appears that it is mandatory that some radio communications capability be provided for fire and rescue in the tunnels.

2. RECOMMENDATIONS

It is recommended that the need for the local police department to talk directly via radio to their personnel in the underground station areas and for the local fire department to talk directly to their personnel in the underground stations and tunnels be fulfilled.

There are several methods of achieving this capability. The following paragraphs summarize some of the more obvious alternative approaches to satisfying some of the unfulfilled communications needs. They are presented as representative examples only and not as design choices.

(1) Police

The major communications need identified by the police community is, of course, the need to communicate from the communications center of that jurisdiction to the officers in underground stations in that jurisdiction. The requirement for the police to be able to talk to an officer in the tunnels is believed to be of much lower priority. The three alternatives to meeting this need that have been identified are described below.

Common Use Metro Security Channel [P-1]

In this alternative the local police would use the Metro security channel at all times when they were underground. The local police personnel patrolling the Metro could be a dedicated "Transit Division" or members of any patrol force. If the patrolling personnel are dedicated to the underground area they would need to carry only one hand-held transceiver equipped with the Metro security channel.

Above ground, local police officers could either (1) continue to talk over the Metro security channel or (2) obtain a second transceiver and communicate over the normal portable channel in their jurisdiction. The above ground coverage for the local police radio is likely to be far better than that initially available for the Metro above ground system.

The Metro system, as it is currently configured, would require all the traffic from the underground and surface areas to be funneled through a single channel outlet in the Metro Command Center. It is possible to connect a remote control unit from the local police departments to the Command Center console and allow parallel control of the security channel but this approach is not without problems. The primary problem is the potential for proliferation of remote control points. Arlington County, District of Columbia, and Montgomery County have underground stations and would thus probably be very interested in direct access to their own personnel.

A second major problem would be the potential traffic congestion. Arlington County would likely not be interested in listening to traffic from the District and from Montgomery County as well as the ongoing Metro security traffic, in order to respond to a call from one of their own officers.

Another major consideration is the total traffic loading for one simplex channel. A rule of thumb is that 35-50 radios on a single police channel is a busy channel. Some protection against overload in critical situations might be achieved if the police radios also were equipped with the Metro maintenance channel,

Local Jurisdiction 150 MHz Underground Channel [P-2]

This option would consist of an additional channel being added to the Metro underground antenna system. The channel could be in the 150 MHz band and might be added to the three system wide Metro channels. This would involve a modest cost for additional base stations, filters, and detailed engineering.

This option could provide direct contact by police departments with the local jurisdiction force while they are underground. The local communications center would be unencumbered with communications traffic from other areas, except for regions where the underground antenna overlapped jurisdictional boundaries.

The Metro Command Center could also monitor and transmit on any of these base stations so they could be cognizant of system wide activity.

The patrolman would still have to use a different radio to contact his communications center when he goes above ground.

Extend Local Police Channels Underground [P-3]

A third alternative for providing communications for the local police departments to and from the underground areas is to extend the existing communications channels that the departments are now using for hand-held radio communications.

This approach is obviously the simplest one for the police to incorporate in their operations. The patrolmen entering a station would be in constant contact on the same channel or another channel on the same hand-held transceiver. This approach would also be technically the most difficult and the most costly.

The system could be implemented in the District and in Montgomery County, and possibly in Arlington County, only by installing a separate antenna and base station in each underground passenger station. The base station would be located in the passenger station electronics room and the antenna would have to be blended into the station decor like the present lossy transmission line antenna.

The control for that base station could be exercised by the police communications center in whose jurisdiction the station lies and also, if desired, from Metro Command Center.

The separate antenna is probably necessary in the District and Montgomery County because those systems operate in the 450 MHz band and the filters and the antenna for the Metro antenna system are cut for 160 MHz.

It would be optional in the design to include the capability to talk to other units at the surface as well as to the communications center.

Performance Comparisons

To allow the decision-makers to quickly observe the relative advantages and disadvantages of the various alternatives, a simple set of criteria were stated and the performance comparisons were made and are presented in Exhibit XIX.

Cost Considerations

The major factors that would cause additional costs to be incurred for the three options were identified and are presented in Exhibit XX. The possible cost ranges are considered to be very tentative and should be viewed only as an indication of the order-of-magnitude of what the cost of that option might be.

(2) Fire

The major problem identified by the fire and rescue personnel was also the need to communicate quickly with their personnel in the passenger stations. The fire and rescue officials also feel that they have a strong need to communicate with their personnel in the tunnels.

The following paragraphs describe two possible alternatives for providing this type of service.

Common Use Metro Security Channel [F-1]

The fire and rescue personnel would use the Metro security channel to communicate between the field units and the local communications center when the field units are underground.

COMPARISON MATRIX FOR
UNDERGROUND POLICE COMMUNICATIONS ALTERNATIVES

SUBJECTIVE EVALUATION CRITERIA	ALTERNATIVE	Common Use Metro Security Channel	Local Jurisdiction 150 MHz Channel	Extend Existing Police Channel
A.	Direct Police Communications to Underground Stations	S*	S	S
B.	Direct Police Communications to Tunnels	S*	S	U
C.	Simplicity of Police Operational Procedures	U	U	S
D.	Conformance to Planned Metro System	S	U	U
E.	Patrolman Equipment Complexity	U	U	S
F.	Metro Control/Awareness of System Status	S	S	S
G.	Communications Response Time	M*	S	S
H.	Coordination With Surface	U	U	S

S - Satisfactory

U - Unsatisfactory

M - Marginal

* With a remote control unit at local police communications center.

ADDED COST FACTORS
POLICE UNDERGROUND COMMUNICATIONS ALTERNATIVES

COST FACTORS	ALTERNATIVE	Common Use Metro Security Channel	Local Jurisdiction 150 MHz Underground Channel	Extend Local Police Channels Underground
Base Stations Communications Center Modifications Hand-Held Transceivers Underground Antenna System Filters New Antenna System		X (1)	X X (1) X	X X

Possible Cost Range
(\$ in thousands)

\$20-30

\$75-100

\$150-250

Notes:

(1) Dependent on local jurisdiction operating procedures and detailed system design.

The fire and rescue units would carry hand-held radios that were tuned to the Metro security channel. The units would bring the hand-held radio from the vehicle and the local communications center would activate a remote control unit on the Metro security channel and establish contact directly with the unit as it enters the underground area.

It may be possible to equip some of the existing multi-channel fire department hand-held transceivers with the Metro security channel. Although the performance at the Metro frequency would probably be reduced significantly, it still may be adequate for operation in the underground areas.

The annoyance factor to the local communications center from other traffic may not be as significant as it is with the police since the fire and rescue would only have to listen when they sent a unit out on a mission.

The fire communications center could elect to automatically retransmit on a local fire channel all messages from the underground channel so that the fire official on the scene could direct all the firefighting forces.

Common Use Mutual Aid Channel [F-2]

The fire and rescue communications requirement might be fulfilled by adding another channel to the Metro underground antenna system on the Washington area fire mutual aid channel.

An advantage to the use of this channel is that a large portion of each of the area fire departments are already equipped with base stations, mobile units, and hand-held units on this frequency. It is true, of course, that only the hand-held units would be usable in this underground environment but it would make the hand-held channel usable in other applications by the fire and rescue personnel.

A primary difficulty would be the incorporation of this frequency in the underground antenna system. At best the solution would require nine new base stations, circulators, cavity filters and some detailed engineering. At the worst the frequency spacing involved could make the filtering problem very expensive (a specific analysis of these detailed design problems has not been performed by Arthur Young & Co.).

The primary control of the base stations would be with the fire communications center in the jurisdiction in which the passenger station is built. Coordination procedures for those areas where the underground antenna stretches across jurisdictional boundaries would be left up to the fire departments. The Metro Command Center would have parallel control over all the base stations.

The fire communications center could elect to automatically retransmit on a local fire channel all messages to and from the underground channel so that the fire official on the scene could direct all the firefighting forces.

Performance Comparison

The two alternatives were compared on the basis of the subjective criteria presented in Exhibit XXI.

The exhibit indicates that on the basis of this comparison a separate mutual aid channel would provide satisfactory service to the local fire and rescue services but that the use of the Metro security channel might provide adequate capability with two reservations.

First, the local jurisdictions would require direct access to the channel without any enabling action by the Metro Command Center.

Second, if the local police were also on the Metro security channel, the traffic loading might be a severe problem.

Cost Considerations

The major factors that would cause additional costs to be incurred for the fire radio options have been estimated and are listed in Exhibit XXII. The costs are considered to be very rough ranges only.

3. FIRE AND PHYSICAL SECURITY SURVEILLANCE ALARMS

The Metro system will be equipped with an extensive system of fire and intrusion detectors. Each fire and intrusion alarm indicator is displayed on a panel at the nearest passenger station kiosk (or other location for yards, etc.) and a master alarm indication is transmitted to the Command Center to indicate whether the local alarm is for fire or intrusion.

COMPARISON MATRIX FOR
UNDERGROUND FIRE COMMUNICATIONS ALTERNATIVES

SUBJECTIVE EVALUATION CRITERIA	ALTERNATIVE	Common Use Metro Security Channel	Common Use Mutual Aid Channel
Direct Fire Communications to Underground Stations		S	S
Direct Fire Communications to Tunnels		S	S
Simplicity of Fire Procedures		M	S
Conformance to Planned Metro System		S	U
Firefighter Equipment Complexity		M	S
Metro Control/Awareness of System Status		S	S
Communications Response Time		S*	S
Coordination With Surface		S	S

S - Satisfactory

M - Marginal

U - Unsatisfactory

* Dependent on concurrent use of channel by police.

ADDED COST FACTORS
FIRE COMMUNICATIONS ALTERNATIVES
\$ IN THOUSANDS

COST FACTORS \ ALTERNATIVES	Common Use Metro Security Channel	Common Use Mutual Aid Channel
Base stations		X
Communications Center Modifications	X	X
Hand-Held Transceiver *	X*	
Antenna System Filters		X

Possible cost range

\$80-100

\$75-100

*

Assumes Metro security channel cannot be installed in existing multichannel fire radios.

The fire alarms include rate-of-rise and fixed temperature indicators and ionization detectors. The general location assignments and the quantities procured indicate that the fire alarm system is probably quite adequate. Manual fire alarm pull boxes are planned only for the T Street shops.

The intrusion alarms include window, door, and air shaft condition indicators.

The physical security needs and the planned response to those needs are indicated on Exhibit XXIII.

PHYSICAL SECURITY NEEDS
AND RESPONSE MATRIX

POINTS OF POSSIBLE SUR- VEILLANCE NEED	SURVEILLANCE METHOD	Intrusion Detectors	Guards	CCTV (by Kiosk attendant)
Tunnel Entrances				x (Station Only)
Vent Shafts		X		
Elevators		X		
Escalators		X		
Floors		X		
Windows		X		
Revenue Collection Machines				X
Gates				X
Parking Lots			X	
Wayside			X	

X. OPERATIONAL PLANS AND PROCEDURES

X. OPERATIONAL PLANS AND PROCEDURES

The Security Division will be responsible for and involved in a diversity of assignments. These will range from accompanying revenue collectors, aiding patrons, responding to emergency situations, controlling boisterous juveniles and comparable routine and non-routine duties. As a result, the availability of agreed upon plans and procedures will influence the successful accomplishment of these assignments. The objective of this section is to merely identify the major topics requiring the development of plans and procedures as opposed to developing the required guidelines themselves.

1. PATROL FUNCTION

Inherent in the allocations of jurisdictional areas of patrol between Metro Security Officers and local police is the practical reality of the need for daily coordination and mutual support. It is to the advantage of the Metro Security Division for its officers to become familiar with the physical surroundings of the stations and parking lots, the kiosk attendants, and local police officers on patrol in Metro areas. Days off, vacations, and shift rotations result in personnel changes but, in general, regular beat assignments are made so that the Security Agent can, in fact, become familiar with his surroundings. With this in mind, the following considerations are offered:

- Security Agents on each shift should be required to meet their counterparts in each jurisdiction. They should know what number to call to relay a radio message when they desire a meeting. When Metro beat officers change, the Security Division should make a conscious effort to have the new officer introduced. Changes within the local jurisdiction should be updated in the notebook.
- The Field Supervisors will have the responsibility for orienting local officers with regard to the station (or stations) within the local officer's beat. Thereafter the local officers and their supervisors should be encouraged to meet at the station with the Field Supervisors as necessary.

- . If it is necessary for a security agent to leave his beat for an extended period the Field Supervisor will assume the Security Agent's patrol duties until he returns. In some cases it may be necessary for the Field Supervisor to call for a relief agent, but the supervisor will not depart the patrol until the relief agent is briefed and assumes patrol responsibility.
- . Field operations supervisory and managerial personnel require detailed jurisdictional maps defining the exact boundaries of Metro's property. As a courtesy to local departments, copies of the maps should be made available to their command personnel.

2. ARREST, TRANSPORTATION, AND BOOKING

A major assumption of the proposed security program concept is that local law enforcement agencies will provide transportation for individuals, arrested by Metro Security Officers, who are subject to booking procedures. It has not yet been clearly defined whether a Metro officer must accompany the arrested person. The objective of this section is principally to provide a description of the issues which require further definition and resolution.

(1) Arrest

Metro should adopt a philosophy to limit the number of arrests to those which are absolutely necessary and which serve a definite prevention or enforcement purpose. To assure compliance with management's desires, security supervisory personnel should approve arrests whenever possible. This can be done through personal discussion with the arresting officer, either at the scene or via telephone. Procedures should be established requiring certain record checks prior to detention or release with a warning.

(2) Transportation

As the individual circumstances require, the arresting officer or the Metro Security Dispatcher will notify the local police agency and arrange for transportation of the offender. If it is required that the Metro officer accompany the offender, procedures

must be developed for his return and for the coverage of his patrol area during his absence.

(3) Booking

Since Metro Security Officers will be operating in multiple jurisdictions and no procedures are yet established for uniform arrest tickets, it may be appropriate for kiosks to contain both a Metro arrest form and an arrest form of the local jurisdiction. In approximately twenty (20) stations, it might be feasible to have forms of two local jurisdictions in cases where an arrest is made on a train but the offender's to be taken off at the next station and in a different jurisdiction. The objective is to reduce the number of forms which a Metro officer needs to carry on his person. There is merit in having the Metro Security Officer fill out a general Metro form upon the arrest and then giving the original to the officer of the local police agency who will provide transportation and probably assist in the booking procedure. Such a procedure would permit Metro security management to gather meaningful activity statistics as well as maintain information of data preparation in the arrest process. At the same time, the procedural and information requirements of the local police jurisdictions must be respected.

3. INVESTIGATION AND RECORDS FUNCTION

The Metro Security Division will utilize Investigative Specialists trained in collecting evidence and in performing duties comparable to those of a police detective. A requirement will exist for these Investigative Specialists to visit local police agencies in the course of their activities. As a result, the more exposure and familiarity they have with the local police procedures, central records and support personnel the more effectively will they be able to perform. To accomplish this, it is suggested that:

Personal visits be made to each local investigative unit to meet commanding officers and line personnel. The names and telephone numbers of specialists should be obtained and recorded in a central file maintained at the Metro Security Division.

A review of the types of records maintained at the local police departments be made for the benefit of Metro Investigative Specialists.

4. PROSECUTION FUNCTION

The responsibility of a Metro Security Officer in the prosecution process is not yet clear. The Metro officer is in fact the complainant and may be required to sign various legal forms such as a complaint in the prosecution's office. Procedures for distribution of subpoenas require definition, as well as procedures necessary to insure a Security Officer's presence at a trial on short notice.

To limit the requirements for overtime and to prevent unnecessary interference with a Metro officer's days off, many district attorneys attempt to schedule trials in accordance with the officer's duty schedule. This is not always practical and where several officers are involved it is usually impossible. Nevertheless, Metro should pursue this possibility in all cases and provide rosters of shift schedules and days off to those prosecutors who will accept them.

It is important to recognize that the quality of information noted and evidence collected by the Metro Security Officer at time of arrest and investigation will bear on the attitude and level of cooperation to be found at the local criminal justice level.

5. MISDEMEANOR POLICIES

It can be anticipated that misdemeanors will not necessarily be investigated by the local police departments if they occur on Metro property and especially if they involve Metro "rules and regulations" as opposed to local jurisdiction misdemeanors. The Security Division, however, will probably be required to investigate all reported misdemeanor offenses. The reason for this is that Metro's security program must be respected and enforced if it is to succeed. Misdemeanors, however, are expensive to investigate and prosecute so that if possible a system of issuing a warning or a citation would be more desirable and probably more equitable and effective. This subject will require

further examination as it relates to any proposed legislation. It is recognized that the bulk of crimes on Metro will be misdemeanors, generally not subject to proceedings such as extradition, for example. Also it is recognized that research is needed to determine whether the extension of fresh pursuit statutes to include misdemeanors would be constitutional. What is agreed upon, however, is that Metro must develop a clear set of procedures to permit it to successfully protect its patrons and facilities against anticipated minor but frequent incidents.

6. JUVENILE PROCEDURES

The arrest, handling, and disposition of juvenile offenders (usually under 18 years of age) is a sensitive subject not only in the Washington Metropolitan Area, but also nationally. Metro operations will be subject to juvenile problems such as anti-social behavior, vandalism, and boisterousness among others. These problems require the development of clear-cut management decisions and the establishment of well-defined procedures.

Since juveniles generally have the same civil rights as adult suspects or offenders and since Metro is functioning across a multi-jurisdictional set of boundaries, several problems are created in the disposition of juvenile offenders such as:

- . Metro's limited Security Division staff and wide geographical dispersion prohibits the ability for depth in specialization of its staff in juvenile matters.
- . Each jurisdiction may handle juveniles differently with regard to juvenile court reception and intake procedures, formal versus informal and unsupervised probation, the types of forms used and related differences.
- . A difficult question occurs regarding the reliance of a youth when no responsible adult can be located.

Due to these representative types of problems and their potential impact on both operations as well as community reaction in the area of juvenile arrests, a flexible but definitive set of procedures must be established by Metro regarding the subject of juvenile arrest.

7. FIRE, RESCUE AND OTHER EMERGENCY SITUATIONS

There are many other types of emergency situations that might occur on the Metro. The intent of this section is to identify the emergency types, indicate an approximate scope, and suggest the organizations that should have a primary interest in the planning process.

These emergencies would include:

- . fires
- . accidents
- . sickness
- . suicides
- . floods
- . crowd control
- . bomb threats

(1) Fires

Fire protection for the Metro system should be provided by the fire departments in the local jurisdictions. This will require a detailed working arrangement with each fire department so that the fire department can develop the detailed firefighting plans that are their standard method of operation.

There are some general unresolved problems that were identified as a problem by some fire officials that were contacted. They were:

- . lack of water supply in the tunnels, the firefighters might have to carry up to 1250 feet of hose to reach a fire
- . breathing equipment with a longer air supply than the one half hour units now on hand is considered important
- . communications to and from the fire communications center and the fire captain on-scene and the firefighters in the underground stations and the tunnels

- . concern over the procedures for control of the ventilation fans for the stations and tunnels
- . concern over the station area covered by sprinklers

There will be much cooperation required between Metro and the fire departments to develop a detailed procedures manual. The organizations that have primary responsibility for the planning, identification of the emergency, and response to the emergency are indicated in Exhibit XXIV. The detailed procedures manual would describe and indicate who was responsible for such actions as:

. Fire in Passenger Station

- report fire to Metro Center
- Metro Center report fire to local fire department
- warn passengers over public address to vacate station
- alter train movements per preplanned response
- alter fan operation per preplanned response
- remove power from third rail
- apply fire extinguishers to small fires
- advise fire department of change in status of fire occurring after notification but before fire units arrive

(2) Accidents

The response to accidents will be by Metro and the local rescue units. The detailed procedures should describe the responsibilities and responses for various categories of accidents and should be jointly worked out between Metro and the rescue officials.

The types of accidents which would be covered in the procedures would be:

- . collisions
- . derailments
- . falls
- . electric shock

TYPE OF EVENT	RESPONSIBILITY FOR		
	<u>Planning</u>	<u>Event Identification</u>	<u>Response</u>
Fire	. Metro	. Metro	. Fire Dept.
	. Fire Dept.	. Citizens	. Metro
Accidents	. Metro	. Metro	. Rescue
	. Rescue	. Passengers	. Metro
Sickness	. Metro	. Passengers	. Rescue
	. Rescue		
Suicides	. Metro	. Passengers	. Rescue
	. Rescue	. Metro	. Police
			. Metro
Floods	. Civil Defense	. Weather Bureau	. Metro
	. Rescue	. Civil Defense	. Fire Dept.
	. Corps of Engineers		. Dept. Pub. Wks.
	. Metro		
Riots	. Civil Defense	. Police	. Police
	. Police	. Citizens	. Metro
	. Metro		
Bomb Threats	. Police	. Telephone Co.	. Metro
	. Fire	. Police	. Police
	. Metro	. Metro	. Fire
	. Telephone Co.		

Particular care will have to be used in developing the procedures for such actions as:

- . de-energizing the third rail
- . moving a car involved in an accident
- . moving an accident victim before a physician or the coroner have given their approval
- . supervisory chain for stopping the trains
- . obtaining evidence from the scene of the accident

(3) Sickness

The ambulance service will in most cases be provided by the fire department upon request by Metro. A goal of Metro, which is reasonably consistent with the goals of the ambulance service, is to remove ill and injured persons from the trains and right-of-way as quickly as possible. This, of course, would provide the minimum disruption of service.

(4) Suicides

The history of suicides with other rapid transit systems indicates that the methods most likely to be used by suicide prone individuals are to contact the third rail and/or to jump in front of a moving train.

If the person with suicidal intent is successful, the coroner must be called before the body can be removed. If he is not successful but injured, procedures for accidents would be followed for protecting the individual's health.

There would be detailed procedures that must be defined and carried out regarding:

- . stopping train movement on the involved section of track
- . de-energizing the third rail
- . notification of the coroner
- . notification of fire department

- . authority to remove the body
- . collecting evidence from the scene
- . recording names and addresses of witnesses
- . follow-up investigation
- . preparation of report

The Chicago Transit System has experienced delays of approximately 25 minutes for suicides. The Montreal Urban Transit System currently average 15 minutes' delay for a suicide. It is anticipated, based on this experience, that most suicides will occur at platform locations with only occasional incidents along the right-of-way or in the tube or tunnels.

(5) Floods

A contingency plan should be developed which would describe actions that Metro could take for various flooding conditions. The types of potential flooding conditions could include local surface flooding as a result of weather conditions, broken water mains and other conditions.

The actions that might be taken could include advising passengers that local streets are flooded at a particular station, altering train schedules, de-energizing the third rail and similar actions.

(6) Crowd Management

Crowd management will be required for routine rush hour as well as for disorders and full scale riots. The Metro Security Division will provide regular assistance in directing passengers and helping shape the traffic flow, but the primary responsibility for serious crowd management rests with the local jurisdiction.

In case of a disorder or riot the local police should provide Metro Security with information as soon as practical if Metro is likely to be involved and the Security Division would provide backup assistance.

The local police, Metro and the Civil Defense staff should develop a plan for coordinated action for various types of threats.

The types of weapons that would be provided to the Metro Security force for crowd management should be carefully evaluated. A primary goal should be the retention of the image of a considerate source of information and passenger assistance rather than that of a strict law enforcement officer.

(7) Bomb Threats

Each bomb threat should be assumed to be real and every precaution should be taken to protect the safety of the passengers and employees and to protect the Metro physical properties.

The plan of action in response to bomb threats should be jointly developed by representatives of the police, fire, Metro, and the telephone companies. A commonly used technique is to keep the caller on the line to obtain more information on the location of the suspected bomb and to attempt to trace the call.

The American Telephone and Telegraph Company is very actively working on the concept of automatic location identification of incoming telephone messages and that capability may be available in a few years. The Washington, D.C. area has many of the types of telephone exchanges that make the automatic identification easier.

The response plan should include the conditions for altering the train schedules, conducting a search, and clear directions that the suspected bomb would be approached and touched only by a local bomb disposal squad.

8. SECURITY DIVISION PROCEDURAL MANUAL

Throughout this section, we have stressed the need for definitive management policies and clear statements of procedures. We believe a Security Division Procedures Manual should be designed, implemented and ready when the first Security Officer begins his training. Such a document is essential to the orderly growth and smooth functioning of the Security Division. It should be considered as a dynamic management tool to be frequently used, reviewed for its validity, and for being up to date.

The procedures manual should include as a minimum all of the factors identified in this section and should be distributed to key personnel. In addition, other information ancillary to the procedures and supportive of them should be included, such as:

- . Command personnel, addresses, their functional areas, and telephone numbers
- . Jurisdictional boundary maps
- . Directions for reaching the numerous law enforcement and district attorneys' offices
- . Records maintained and related telephone numbers to obtain records information
- . Special procedures or assistance that is available in that jurisdiction
- . Emergency numbers.

XI. SECURITY DIVISION PERSONAL AND SUPPORT EQUIPMENT

XI. SECURITY DIVISION PERSONAL AND SUPPORT EQUIPMENT

Certain basic personal equipment is required for each security officer as well as support equipment for the Security Division's activities in general. The unit costs and total quantities as shown, are merely suggestive of the normal range which the Division might anticipate.

1. PERSONAL EQUIPMENT - BUREAU OF FIELD OPERATIONS

Personal equipment is defined as that equipment assigned to a security officer or used exclusively by one person for at least one shift. Some equipment can be issued at the beginning of each shift, turned in at the end of the shift and issued to the next shift. A hand-held radio would be an example of such equipment. Exhibit XXV, following this page, summarizes by item the personal equipment believed necessary for the Security Division to effectively perform its responsibilities. For ease of explanation the requirements of the Bureaus of Field Operations and Operations Support have been identified separately. The following items refer exclusively to the Bureau of Field Operations (BFO):

(1) Revolvers

We suggest that firearms issued to all BFO Security Officers be .38 caliber revolvers with a 2-inch barrel. This handgun should be adequate for Security Division needs. A total quantity of 104 revolvers is based on a tentative full system projection of 94 sworn officers, and ten (10) spare weapons. Necessary leather belts, holsters and handcuff cases will also be required.

(2) "Chemical Mace"

"Chemical Mace" is a liquid irritant that causes reactions very similar to what is commonly known as "tear gas." It is a humane alternative to the use of a baton, physical force, or a

METRO SECURITY DIVISION
BUREAU OF FIELD OPERATIONS
PERSONAL EQUIPMENT

	Approximate Unit Cost	Total Units	Cost
Revolvers, .38 cal.	\$ 62.00	104	\$ 6,448
Hand Held Radios	1,000.00	40	40,000
Chemical Mace (belt canister, with holster)	12.50	30	375
Chemical Mace (pen type)	4.50	88	441
Batons (long)	3.00	20	60
Jump Suits	20.00	94	1,880
Handcuffs	7.00	108	756
Gas Masks	37.00	20	740
Compressed Air Breathing Systems	330.00	10	3,300
Flashlights	16.50	108	1,982
Helmets	37.00	20	740
Badges and Case	30.00	94	2,820
Leather Belt, Holster, etc.	25.00	108	2,700
Nameplates	3.50	94	329
Raincoats	25.00	94	2,350
Wallet/Note Pad	3.50	94	329
Uniforms	504.00	94	<u>47,376</u>
Total Costs			\$112,626

firearm in some cases, although it does have limitations. There are several sizes available and it is recommended that patrol personnel carry the aerosol dispenser worn on the belt. These should be checked in and out each shift and enlightened periodically to insure the content amount. Reports should be required when they are used as well as the weighing since some long-term evaporation can occur. A total quantity of thirty (30) cans is projected to cover a shift of twenty-five (25) Security Officers plus five (5) spare canisters.

There is also a smaller size available, referred to as the "pen size." It fits neatly into a coat pocket and could be assigned on a permanent basis to investigative and support personnel. A pen size unit has been projected for every Security Officer. It is felt that Security Officers on patrol should have the option of carrying the one they prefer and feel safest with.

(3) Civil Disorder Equipment

Exhibit XXV also contains items such as long batons, helmets, gas masks and jump suits. This equipment is ordinarily used by law enforcement agencies in quelling large-scale riots and disorders. The quantity identified implies that it is more efficient to issue these items to every officer who might be called for riot duty than it is to check them in and out every time there is a need. There is, however, no policy stated with respect to Metro's involvement with riots and disorders. In such emergencies, it might be more expedient to close down certain stations or the line itself. If, however, action is required, Metro should be prepared by having available certain basic equipment. Therefore, it is suggested that a limited quantity of helmets, gas masks, long batons, and chemical agents be purchased. We would not anticipate acquiring more than enough to equip 15-20 Security Officers. However, the items would be stored and not authorized for use without the approval of top-level management.

It is recommended that one jump suit be purchased for each officer because they will undoubtedly be needed for other, more routine purposes. Crime scene searches can be a dirty task, depending on the locale, and if officers must man a "stake-out" in one of the repair yards, the jump suit would be a substantially better outfit than a uniform.

(4) Other Personal Equipment

Badges, carrying cases, flashlights, handcuffs, name plates, and note pad wallets are calculated on the basis of one per security employee.

(5) Uniforms

This equipment should include:

- . A uniform raincoat and hat
- . A summer uniform (to be designed)
- . A winter uniform (to be designed)

Costs of uniforms are based on the local jurisdictions contractual estimate with a total of \$504.00 allocated per each sworn employee. Staff and investigative personnel are included. Since the latter will usually wear civilian attire, there is a built-in allowance for other miscellaneous personal equipment costs that may occur.

(6) Hand-Held Radios

A two channel hand-held transceiver should be available for each officer on shift which should number approximately 17-20. In addition, there should be extra units available to handle those emergency and special conditions when off-duty officers are called in to augment the regular shift. There should also be a margin for maintenance and thus the quantity of 40 hand-held radios should be quite adequate.

It is also recommended that 40 belt mounted carrying cases be procured. Some of the units, approximately 10, should have lapel mike and earplug speaker capability.

At least 40 extra batteries should be procured along with multi-unit battery chargers and a few single unit chargers for supervisory personnel.

2. SUPPORT EQUIPMENT

A limited amount of office furniture and support equipment is anticipated. Section XIII identified the space requirements of the Security Division as well as desirable field facilities. Exhibit XXVI, following this page, identifies the total number and type of office furniture and support equipment that are required as a minimum.

(1) Cameras

One professional camera is included for special situations when time is available to retrieve it from the office. Eighty-six inexpensive cameras are suggested for pre-positioning in each station. These can be instamatics or some other type with a flash attachment that are simple to use. They would be available in emergency situations when it is desirable to have photographs but time constraints will not permit delay of the photography work until a specialist arrives from the main office. A special camera for photographing latent fingerprints is also desirable.

(2) Dictating Machines/Portable Tape Recorders

Two dictating machines are provided for the office. They may be used by staff members or officers who have lengthy reports to file. We also suggest the purchase of 10 portable tape recorders. They may be used to dictate longer reports in the field or to take field notes at the scene of serious incidents.

(3) Station Aid Room Equipment

Based on the following cost estimates, we have included a standard amount of \$600 for stocking a room in each station with the equipment and supplies described in Section XIII subsection 2, "Field Facilities."

METRO SECURITY DIVISION
BUREAU OF FIELD OPERATIONS
SUPPORT EQUIPMENT

	Approximate Unit Cost	Total Units	Cost
Office Equipment (desks, chairs, file cabinets, tables, bookcases)			\$ 5,000
Property Shelves	200	2	400
Lockers, personal	25	100	2,500
Typewriter, Electric	500	1	500
Manual	125	5	625
Office Equipment (adding machine, calculator, dictation machine)			2,750
Interview Tape Recorder	600	1	600
Camera, Professional	1,050	1	1,050
Instamatic	50	86	4,300
Binoculars	300	5	1,500
Station Aid Room Equipment	600	86	51,600
Latent Fingerprint Equipment	500	1	<u>500</u>
Total Costs			\$71,325

- . Table and chairs (\$75.00)
- . Cabinet and lock (\$75.00)
- . Stretcher, cot, first aid supplies (\$100.00)
- . Rubber sheets, blankets and rubber gloves (\$100.00)
- . Possible construction materials and miscellaneous costs (\$250.00)

3. PERSONAL EQUIPMENT - BUREAU OF OPERATIONS SUPPORT

The personal and support equipment necessary for the Bureau of Operations Support (BOS) is quite limited in variety and in quantity in comparison with that of the Bureau of Field Operations. This is because the latter Bureau comprises staff and watchmen but with sworn security officers as supervisors.

The Bureau of Operations Support is nonpatron oriented and largely functions in areas such as train yards, warehouses and revenue collecting areas as well as time periods when relatively few people are in the immediate area. The equipment estimates given below include only the security personnel related to revenue collection. No manpower or equipment has been included for watchmen for the yards or any other Metro facility.

The following items refer exclusively to the Bureau of Operations Support:

(1) Revolvers

We suggest that firearms issued to all BOS Security Officers be .38 caliber revolvers with a 2-inch barrel. This handgun should be adequate for the Bureau's needs. A total quantity of 31 revolvers is based on a tentative full system projection of 64 sworn officers, and Security Assistants, and three (3) spare weapons. These numbers result because only Security Guard levels II and III are armed. Necessary leather belts, holsters and handcuff cases will also be required.

(2) Hand-Held Radios

A two-channel hand-held transceiver should be available for each officer on shift which should number approximately 20. In addition, there should be extra units available to handle those emergency and special conditions when off-duty officers are called in to augment the regular shift. There should also be a margin for maintenance and thus the quantity of 15 hand-held radios should be adequate. This seemingly low number of hand-held radios results because the revenue collection personnel in the stations and on the trains will always work as a three- or four-man team and normally only the Security Guard III would have a radio. Each guard around the Counting Room would have a radio. It is also recommended that 40 belt-mounted carrying cases be procured.

(3) Other Personal Equipment

Badges, carrying cases, flashlights, handcuffs, name plates, and note pad wallets are calculated on the basis of one per security employee, whether sworn or unsworn.

(4) Uniforms

This equipment should include:

- . A uniform raincoat and hat
- . A summer uniform (to be designed)
- . A winter uniform (to be designed)

Exhibit XXVII, following this page, displays the type of equipment necessary for personal equipment for the BOS.

Exhibit XXVIII, following this page, lists the limited support equipment determined necessary for the BOS.

METRO SECURITY DIVISION
BUREAU OF OPERATIONS SUPPORT
PERSONAL EQUIPMENT

	Approximate Unit Cost	Total Units	Cost
Revolvers, .38 cal.	\$ 62.00	31	\$ 1,322
Hand-Held Radios	1,000.00	15	15,000
Handcuffs	7.00	64	448
Flashlights	16.50	31	511
Badges and Case	30.00	64	1,920
Leather Belt, Holster, etc.	25.00	31	775
Nameplates	3.50	64	224
Raincoats	25.00	64	1,600
Wallet/Note Pad	3.50	64	224
Uniforms	250.00	64	16,000
Total Costs			<u>\$28,024</u>

METRO SECURITY DIVISION
BUREAU OF OPERATIONS SUPPORT
SUPPORT EQUIPMENT

	Approximate Unit Cost	Total Units	Cost
Office Equipment (desks, chairs, file cabinets, tables, book cases)			\$2,000
Lockers, personal	25	64	1,600
Typewriter, Electric	500	1	500
Office Equipment (adding machine, calculator)			<u>1,500</u>
Total Costs			\$5,600

XII. RECORDS, REPORTS, AND INFORMATION SYSTEMS

XII. RECORDS, REPORTS, AND INFORMATION SYSTEMS

In this section, we will discuss the major tasks associated with the establishment of Security Division reporting and records systems. Metro reporting and record-keeping requirements are somewhat unique in that separate laws in each of the states and the District of Columbia impose an arrest reporting requirement on the proposed force. As a result of Metro's interjurisdictional character, the subject of arrest reporting and allied record keeping is one which will require negotiation and coordination by Metro security management as opposed to the modification of existing legislation. There is, however, a definite requirement for both maintenance of internal records as well as involvement with automated external record-keeping systems.

1. JURISDICTIONAL CENTRAL CRIMINAL ARREST REPORTING

Statutes exist in Virginia, Maryland, and the District of Columbia requiring all arrest reports to be forwarded promptly to the respective agency serving as the official repository for criminal arrest reports. In Maryland and Virginia, this function is assigned to the Superintendents of the State Police agencies who have organized Central Criminal Records Bureaus. In the District of Columbia, the function is assigned to the Central Records Division of the Metropolitan Police Department's Identification Bureau.

In each of these respective agencies, criminal arrest reports along with copies of fingerprints (and later dispositions) are forwarded usually on a daily basis from the city, county, and state police units. The statutes which created these bureaus are detailed with respect to their duties and authority of exchanging information and the responsibilities for reporting by local law enforcement offices. In Virginia, the function is titled the Central Criminal Records Exchange created by Number 19.1-19.1:1, Chapter 1.1 of the Code of Virginia. In Maryland, the function is titled the Central Criminal Records Bureau created in July of 1966 by State Statute 88B.

The implication of these existing repositories and supporting automated criminal history retrieval systems is that the Metro security force will have to negotiate with these jurisdictions with respect to the format of arrest ticket forms and schedules for reporting of arrests and dispositions. Under existing conditions, the proposed Metro security force would have to use forms compatible with the requirements of the jurisdictions in which an arrest was made.

2. AUTOMATED CRIMINAL HISTORY RECORD-KEEPING SYSTEMS

In the jurisdictions of Maryland and the District of Columbia, automated criminal history record-keeping systems have been organized and are functioning. The State of Virginia's system is currently under development and will be functioning at the commencement of Metro operations. These respective systems are:

- . MILES -- Maryland Interagency Law Enforcement System
- . WALES -- Washington Area Law Enforcement System
- . VCIN -- Virginia Criminal Information Network

It is significant to note that the northern Virginia local law enforcement agencies currently input data to the WALES System and retrieve data by on-line computer terminals. MILES and WALES are primarily want-warrant systems and not criminal history systems at this time.

These jurisdictions are also developing their individual criminal justice information systems of which the MILES and WALES systems play an important part. These criminal justice information systems are tracking, retrieval, and analysis-oriented systems (such as D.C.'s TRACE System) which could impact to some degree at a later date on the Metro security force information system capability.

The point to be made is that information systems external to Metro operations are currently operational and are of direct interest and benefit to an emerging Metro security force. It will require further analysis and negotiation by Metro security personnel to determine the degree of potential involvement with these independent

information systems. If Metro security forces were to be developed along the legislative lines of railroad police, Metro would not have to report its criminal arrest activity through these channels. Conversely, however, Metro security forces would not have access to the data contained in these repositories.

3. INTERNAL RECORDS

There are certain records essential to the operation of the Metro Security Division. These records need not be complicated or overly elaborate. There is, however, benefit to be defined by identifying the flow of information, in developing indexing procedures and formats and establishing controls over files. It would be appropriate to have these areas documented in a Security Division manual of procedures.

After a reasonable period of time, upon the successful development and implementation of its manual procedures and information systems, the Metro Security Division might consider utilizing the computer capability of Metro's Data Processing Section. Statistics and related management information leading to patrol resource allocation and comparable data could be derived through use of this capability. At this time, however, it is not advisable or necessary to be concerned with internal automated security information systems. The following manual internal files should be evaluated for development to support the Metro Security Division.

(1) Alphabetical File

An alphabetical file listing names of victims, witnesses, suspects, and arrestees is the basic tool of a law enforcement officer. It serves primarily as a name index file to direct information seekers to related ancillary files. This file is mandatory and would be expanded through new arrests and related incidents. Purging of the Alphabetical File would be done with caution and within established guidelines since it is such a basic and important information source.

(2) Incident File

Each official report submitted by a Security Division officer should be numbered and filed chronologically. This file, sometimes referred to as a case file, will also contain supplemental reports bearing the original report number, written statements, photographs, and associated documents. They can be filed in folders containing groups of 25 or 50 incident reports or filed individually. The manner of filing is not significant but it is important to establish an effective control procedure so that reports are not lost or misplaced.

(3) Crime Analysis Files

The Security Division should establish an elementary "modus operandi" file. File categories would include the different types of crime committed on the Metro system, further sub-divided by the method of operation used by the criminal. The card made for this file can be duplicated and placed in a secondary file of crimes by station or facility. The two files will provide investigative information and enable clerks to quickly summarize activities at a given station or combination of stations.

(4) Other Related Files

The Security Division should consider the establishment of the following support records and files.

. Stolen Property

Stolen property should be listed by article, type, and supported by a serial number file when that information is available.

. Fingerprints and Criminal Histories

The Metro Security Division will not be booking their prisoners so that fingerprint and criminal history data will be obtained on a request basis from the specific booking local jurisdiction. It might be desirable to establish a latent fingerprint file although it would have restricted use due to the experience required to interpret fingerprint data.

Photographs

It is advisable to file all photographs and negatives in one central location rather than attaching them to the incident reports. It would also benefit the Division to develop and maintain a file of suspects' photographs obtained during the course of investigations.

Property Inventory

Separate files should be established for Security Division property and for evidence. In the latter case, it is essential that property forms contain all necessary information to maintain the chain of evidence.

Field Contacts

When suspicious persons are stopped by Metro security officers, an information card should be completed and routed for filing. This information is useful in identifying suspects for crimes that are reported later. Usually, these informational reports are referred to as field contact or field interview cards..

There are other types of files that will be maintained by the Security Division (e.g., an officer's training record, administrative correspondence, etc.) but the foregoing represent the major operational files necessary for beginning operations.

(5) Statistics and Required Reports

There are certain statistics that should be provided to Security Division management personnel. They must know the type and frequency of crimes or other necessary services and this information must be summarized by time of day and day of week for each facility or area. Manpower summaries should accompany the work load statistics. Formats and procedures for such reporting should be established and the responsibility assigned for properly classifying or re-classifying criminal reports.

In addition to the internal needs, statistics and/or reports must be provided to State and District Criminal records agencies as discussed in the first part of this section.

It is emphasized that the records and statistical requirements described in this section are minimum. There will be expanded files and information that will be of assistance to security management and line personnel. However, those records may be developed over a longer period of time while the ones we have identified should be established prior to the initiation of the first line service.

XIII. REVENUE PROTECTION

XIII. REVENUE PROTECTION

Revenue protection as a subject of security must be discussed as a separate consideration due to its unique characteristics of automation and also due to its current stage of incomplete design. What is significant, however, is that revenues will require protection services provided by the proposed Security Division and that these services will require a different form of security than any other aspect of the Metro system's operations.

1. DESCRIPTION OF AUTOMATED FARE COLLECTION SYSTEM

The Automated Fare Collection System being designed for Metro represents the latest development in this field. It is based on a magnetically encoded fare card, utilizing automated machinery for making change, dispensing stored-value fare cards, making fare deductions from stored-value cards, fare additions for cards storing an insufficient value and, dispensing and collecting parking tokens. The Automatic Fare Collection System is capable of functioning in an unattended mode and, although station attendants will be present at all times, they will not handle any money or fare cards.

Fare cards and money will be contained within locked cartridges which are locked into the machines or the transporting vehicle. All machines are alarmed to the O.C.C.B. The two functions which might expose revenue to theft will most likely be those of revenue collection and counting.

Revenue collection consists of two operations:

- . servicing the machines in each station,
- . collecting revenue from each station.

The servicing operation uses a revenue transportation cart weighing approximately 1,000 pounds and a cartridge containing at the maximum one to two hundred dollars. In the event of theft, the

container makes an unwieldy object with which to flee. Any attempted theft will in all probability be perpetrated by a youth gang rather than a professional criminal attuned to profit/risk tradeoffs. The presence of an armed Security Assistant is recommended as a deterrent against any potential crime of opportunity during periods of revenue machine changing.

The collection process, planned to take place after the system has closed to the public, will be performed utilizing special trains and techniques requiring a minimal stay in each station. The revenue collection trains will be specially designed units affording maximum protection for the revenue collection guards and the revenue itself. It is recommended that each train be capable of self-propulsion in the event of loss of external power, and that other attributes of independence, such as external lighting for station area, be mounted on the train.

The revenue counting and storage procedures are likewise quite secure, with a profit/risk ratio making robbery an unwise choice for the professional criminal, and requiring competence above the amateur level. The details of these operations are deliberately omitted, as are the mechanics of the collection process, in the interest of maintaining security.

2. FACTORS INFLUENCING SECURITY MANPOWER

Estimates of required security manpower are dependent upon factors in the revenue protection area, pending resolution by Metro. They are:

- . the frequency of machine servicing by station - dependent upon patron volume, buying habits and an acceptable percentage of empty machines,
- . degree of automation in the revenue counting function (pending CDC feasibility study) - more automation means fewer employees and less surveillance.

While these factors will undoubtedly impact manpower requirements, some interim assumptions will be made in order to facilitate the following estimations of security requirements for revenue protection. The assumptions are:

Using the BART System as a form of reference, since BART is a new rapid (rail) system employing an automated fare collection system, that Metro station collection times will approximate those of BART. BART's current experience is the requirement for three teams of three men each to service 32 stations. Although the travel time of BART's armored cars will exceed interstation travel on Metro, the clearing of parking lot token machines by Metro personnel might be a balancing factor.

A single armed guard accompanying each revenue team will provide sufficient deterrence for protection in all stations except those requiring intensive patrol (Category I). These stations will have police officers present during machine servicing for additional protection.

The calculations associated with the revenue protection manpower estimates are identified below:

	<u>Basic</u>		<u>Backup</u>		<u>Total</u>	
- 8 revenue teams of 3 men each	24	+	3	=	27	Guard II Guard I
- 1 security guard per revenue team	8	+	1	=	9	Guard III
- 3 revenue trains with 4 security guards per train	12	+	2	=	14	Guard III
- 3 security guards around the clock in counting room	9	+	5	=	14	Guard III

Revenue collection teams can be implemented at the rate of 1 team for 10 "average" stations.

The breakout of revenue protection manpower by job classifications is as follows:

	<u>Totals</u>	<u>Basic</u>	<u>Backup</u>
Watchmen/Guards III	- 37	29	8
II	- 9	8	1
I	- <u>18</u>	<u>16</u>	<u>2</u>
Total	64	53	11

XIV. SECURITY DIVISION FACILITIES

XIV. SECURITY DIVISION FACILITIES

This section will describe the physical facilities deemed adequate to support the staffing levels of the proposed Security Division. The space requirements are projected to cover the ultimate administrative, sworn and unsworn personnel as identified in Section VI, Proposed Security Division Organization.

1. HEADQUARTERS AND OFFICE FACILITIES

The Security Division should be headquartered in the Office Control Center Building with sufficient space provided for administrative, investigative, supervisory and personnel support functions.

There should be space allocated for the headquarters staff as well as the Internal Affairs Section, and the Field Operations and Operations Support Bureau personnel. Space should be made available for the Superintendent, the Deputy Superintendent and appropriate supervisors of the respective Bureaus. These space requirements include a briefing room, lockers, property shelves and comparable facilities. The space requirements have been identified and listed in Exhibit XXIX.

There should also be space made available such as a counter area conveniently located for the public to make inquiries but strategically placed as not to jeopardize the safety of the security office area. Supply cabinets should be placed to enhance the efficient distribution and issuance of equipment during shift changes.

It would be desirable for the Security Division to be located at the Office Control Center Building to gain efficiency in manpower scheduling, and to strengthen the security of the Control Center and revenue counting and storage area.

ESTIMATE OF METRO CENTER
SECURITY SPACE REQUIREMENTS

	<u>SQUARE FEET</u>	
Superintendent	300	
Deputy Superintendent	200	
Internal Affairs	100	
Staff Supervisors	100	
Staff Supervisors	100	
Staff Supervisors	100	
Investigative Specialists	300	
Space for Field Personnel Report Writing, etc.	<u>200</u>	1,400
Clerical/Secretarial/File	500	
Conference Room	<u>200</u>	700
Dressing/Locker Room	600	
Muster Room/Training	<u>300</u>	900
Plus 25% for Aisles, Partitions, etc.	<u>750</u>	750
Total		<u>3,750</u>

2. FIELD FACILITIES

At each passenger station there is a need for a room that can be used for emergency first aid, a resting place for ill passengers, a detention center and interview room. The room should also be equipped with first aid equipment, stretchers, fire extinguishers, a couch or cot, a small table for interviewing, a permanently fastened steel ring for handcuffing prisoners while awaiting transportation, a camera for recording evidence and a supply of Metro and outside agency forms and manuals. Included also should be special equipment for suicides such as rubber gloves, blankets and sheets. The room should be locked and keys issued only to station attendants and security personnel.

XV. BUDGET ESTIMATES FOR COMPLETION
PHASES (1973-79)

XV. BUDGET ESTIMATES FOR COMPLETION
PHASES (1973-79)

This section presents the preliminary estimates reflecting the expected costs by phase in various categories and stages of implementation of the Metro system proper. The basis for the personnel cost estimates is a projection of expected staff salary increases with these costs identified by the respective calendar year. Estimates were made regarding the average manpower required during a calendar year. Exhibit XXX, following this page, displays the expectation that costs for personnel will be lower to some degree than the listed manpower multiplied by their individual rates. The manpower levels shown represent the maximum employee levels attained during the year and do not represent equivalent man-years.

The phases listed on the subsequent exhibits represent the expected dates for revenue operations given in the WMATA Design and Construction Schedule dated November 1972. The personnel costs projected include both the direct labor costs and costs of identifiable fringe benefits. These costs, as well as those projected for facilities and equipment are as function of estimated 1973-1974 base costs. 1972 salaries have been escalated by 6% to develop these base salary costs. No attempt has been made to calculate the ultimate escalated unit cost through 1980.

The security guards indicated in Exhibit XXX are for revenue collection and guards/watchmen necessary for providing security service to the Metro yards and other nonpatron-related facilities. The guards for Metro yards are classified as Security Guard I and II. Current Metro planning indicates the use of special contract guard service till fiscal year 1975 primarily for security of pre-operational Metro stations and other facilities. Preliminary estimates for these contract services have been made by WMATA for these services and are \$160,000 for FY-74 and \$650,000 for FY-75. These service requirements were not evaluated by the project team. The need for these special guards will probably continue through all the phases but may be lower for construction of those stations in the suburbs. Metro security management may revise these plans in the future as experience dictates.

METRO SECURITY DIVISION
PERSONNEL BUILD UP SCHEDULE

CLASSIFICATION	1 CY 1973	2 CY 1974	3 CY 1975	4 CY 1976	5 CY 1977	6 CY 1978	7 CY 1979
SUPERINTENDENT	1	1	1	1	1	1	1
DEPUTY SUPERINTENDENT	1	1	1	1	1	1	1
STAFF SUPERVISORS	1	1	1	1	3	3	3
FIELD SUPERVISORS	2	5	5	15	23	26	29
INTERNAL AFFAIRS		1	1	2	3	3	3
INVESTIGATIVE SPECIALISTS		1	1	2	3	3	3
SPECIAL AGENTS		7	7	9	10	13	13
SECURITY AGENTS		7	7	11	31	36	41
JR. COURTESY PATROL*		5	5	13	13	18	24
SECURITY ASSISTANT		20	20	23	28	35	37
SECURITY GUARD II		2	2	4	6	7	9
SECURITY GUARD I		2	2	7	22	36	48
OCCB DISPATCHER		5	5	5	5	5	5
SECRETARY/CLERICAL	1	3	3	3	4	5	5
TOTAL MANPOWER	6	60	60	96	152	192	221
APPROXIMATE PERSONNEL COST (\$ IN THOUSANDS)	96	452	805	1,202	1,819	2,203	2,544



△ DENOTES PHASE REVENUE DATE

* Half Time

In Exhibit XXXI all the estimated operating costs were summarized by calendar year into four categories of direct and indirect personnel costs, personal equipment, operating supplies and training support. The personnel cost is taken from Exhibit XXX. The personal equipment category represents an estimate of the rate of build up of the sworn force and the needs for initial equipment plus the replacement of previously purchased items. The replacement rates used were: hand-held radios - 3 years, uniforms - 1-1/2 years, helmets and masks - 4 years, etc. The most significant items are, of course, the uniform cost and the replacement of the hand-held radios. (The initial procurement of hand-held radios is not included in this budget.)

The operating supplies category represents the office equipment and support equipment identified in Section XI in Exhibits XXVI and XXVIII in 1973 and 1974 and a continuing allowance for expendable field supplies and office supplies.

The training support covers the forty-hour orientation/training course to be given to all security personnel (the manpower cost of the trainees is included in the personnel cost) and includes the estimated cost of an instructor and training materials.

The estimate for the Metro Security Division operating budget build up presented in Exhibit XXXI does not include the cost for special contract guard service to protect the stations during their pre-revenue operational periods and yards through 1976. The yard guards have, however, been added to the budget build up estimate for the years 1977-1980.

The summary of the patrol manpower expected from the local jurisdictions is presented in Exhibit XXXII to allow each jurisdiction to see the timing and cumulative effect of the manpower requirements that are estimated to be necessary for their portion of the security effort.

METRO SECURITY DIVISION
OPERATING BUDGET BUILD UP ESTIMATE
(\$ in Thousands)

Category	Calendar Year											
	1973	1974	1975	1976	1977	1978	1979					
PERSONNEL DIRECT & INDIRECT COST	96	452	805	1202	1819	2203	2544					
PERSONAL EQUIPMENT*	10	50	50	60	68	75	80					
OPERATING SUPPLIES	35	46	10	10	10	10	10					
TRAINING SUPPORT	5	5	5	5	5	5	5					
TOTAL	146	553	870	1,277	1,902	2,293	2,639					

*Does not include initial procurement of hand-held radios.

CUMULATIVE LOCAL JURISDICTION SECURITY PATROL SUPPORT TO METRO
FIELD OPERATIONS PERSONNEL BUILD UP ESTIMATE

	1	2	3	4	5	6	
	1973	1974	1975	1976	1977	1978	1979
METROPOLITAN POLICE DEPARTMENT		7.7	7.7	13.4	14	19.2	19.2
ARLINGTON COUNTY POLICE DEPARTMENT				1	1.1	1.1	1.1
FAIRFAX COUNTY POLICE DEPARTMENT							0.5
MONTGOMERY COUNTY POLICE DEPARTMENT				0.5	0.5	1.0	1.1
PRINCE GEORGE'S COUNTY POLICE DEPARTMENT					0.6	0.9	1.4
ALEXANDRIA POLICE DEPARTMENT					0.3	0.3	0.3

XVI. COMPLETED SYSTEM OPERATING BUDGET FORECASTS

XVI. COMPLETED SYSTEM OPERATING BUDGET, FORECASTS

This section presents an estimate of the steady state security operating costs after all the route lines of the system are operational. All the totals are expenses in 1972 dollars with a 6% allowance for incremental wage increases and/or the impact of inflation.

The operational budget presented in Exhibit XXXIII is the estimate of the recurring costs after the system expansion has ceased and the expenditures stabilize.

The Projected Metro Security Staffing by classification for Fiscal year 1980 is given in Exhibit XXXIV.

A functional allocation of the Metro Security Division operations budget is given in Exhibit XXXV.

Exhibit XXXVI lists the relative contribution of each of the jurisdictions and Metro to the security effort. For each of the jurisdictions the listed costs are strictly marginal patrol costs while the Metro costs include supervision and investigative costs.

METRO SECURITY DIVISION
OPERATING BUDGET ESTIMATE
FISCAL YEAR 1980
(\$ IN THOUSANDS)

CATEGORY	ANNUAL COST
. Personnel Direct and Indirect Costs	\$2,544
. Personal Equipment	71
. Operating Supplies	10
. Training Support	<u>5</u>
TOTAL	\$2,630

METRO SECURITY DIVISION
SECURITY STAFFING BY CLASSIFICATION
FISCAL YEAR 1980

CLASSIFICATION	NUMBER
SUPERINTENDENT	1
DEPUTY SUPERINTENDENT	1
STAFF SUPERVISORS	3
FIELD SUPERVISORS	29
INTERNAL AFFAIRS	3
INVESTIGATIVE SPECIALISTS	3
SPECIAL AGENTS	13
SECURITY AGENTS	41
JR. SECURITY ASSISTANTS	24
SECURITY GUARD III	37
SECURITY GUARD II	24
SECURITY GUARD I	33
OCCB DISPATCHER	5
SECRETARY/CLERICAL/SUPPLY/RECORDS	5
TOTAL	<u>222</u>

METRO SECURITY DIVISION
OPERATIONS BUDGET FUNCTIONAL ALLOCATION
FISCAL YEAR 1980

	AMOUNT	PERCENT OF TOTAL
Command Management and Administration	(\$ 201,595)	(10.90%)
• Division and Bureau Management	\$ 99,000	5.35%
• Internal Affairs	51,150	2.76
• Fringe Benefits	45,045	2.43
• Equipment (Personal)	6,400	0.34
Field Operations	(\$1,584,631)	(85.71%)
• Supervision	440,220	23.81
• Agents (Train)	674,850	36.50
• Non-Sworn Security Assistants	52,800	2.85
• Fringe Benefits	350,361	18.95
• Equipment (Personal)	66,400	3.59
Investigations	(\$ 62,460)	(3.37%)
• Specialists	46,200	2.49
• Fringe Benefits	13,860	.74
• Equipment (Personal)	2,400	.14
Total Personal Services	\$1,848,686	100.00%

TOTAL METRO RELATED
ANNUAL SECURITY PATROL PERSONNEL COST ESTIMATES
BY ORGANIZATION

Organization	Annual Estimated Cost
Metro Security Division	\$2,630,000
D.C. Police Department	453,000
Arlington County Police Department	26,000
Fairfax County Police Department	12,500
Montgomery County Police Department	27,000
Prince George's County Police Department	34,000
Alexandria Police Department	<u>7,500</u>
TOTAL	\$3,190,000

XVII. SECURITY IMPLEMENTATION PLAN

XVII. SECURITY IMPLEMENTATION PLAN

This section addresses the chronological and sequential implementation of the many tasks supportive of the proposed security program described in the previous sections. The implementation plan is phased in consort with the latest available Metro schedule documentation as found in "Design and Construction Schedule of WMATA, November 1972". A characteristic of the implementation plan is that much activity must occur in the year 1973 of a management planning and policy development nature.

The implementation schedule has been segmented into twelve (12) categories with each category presented as a separate exhibit. For use of reference a table of the exhibits is presented below.

<u>Exhibit Number</u>	<u>Subject Area</u>
XXXVII	Organization and Administration
XXXVIII	Community Relations
XXXIX	Personnel Staffing
XL	Training
XLI	Facilities
XLII	Communications
XLIII	Personal and Support Equipment
XLIV	Records, Reports and Automated Systems
XLV	Revenue Protection
XLVI	Legislation - Regulations
XLVII	Security Operating Procedures
XLVIII	Emergency Procedures

SUGGESTED OFFICES RESPONSIBLE FOR
IMPLEMENTATION SCHEDULE BY SUBJECT
AREA

A	WMATA Board of Directors
B	WMATA General Manager
C	District of Columbia City Council
D	Arlington County Board
E	Fairfax County Board of Supervisors
F	Montgomery County Council
G	Prince George's County Council
H	Alexandria City Council
I	WMATA Chief of Engineering and Operations
J	WMATA Director of Operations
K	WMATA Director of Engineering
L	Communications Contractor
M	WMATA Director of Security
N	WMATA Deputy Director of Security
O	WMATA General Counsel
P	General Engineering Consultant
Q	Security Division
R	Personnel Officer
S	Comptroller

ORGANIZATION AND ADMINISTRATION

Organizational Responsibility		TASKS	1973	1974	1975	1976	1977	1978	1979
ABJM	1. SECURITY DIVISION CONCEPT 1.1-Evaluate Concepts 1.2-Obtain Concurrence of Each Jurisdiction 1.3-Promulgate Security Concept	■							
BJM	2. SECURITY DIVISION ORGANIZATION 2.1-Finalize Organization 2.2-Define Functions & Responsibilities 2.3-Finalize Staffing Levels	■							
JM	3. POLICIES AND PROCEDURES 3.1-Develop Policy Manual for Supervisors and Local Officials 3.2-Develop Procedures Manual for Police, Fire, & Rescue Functions 3.3-Obtain Local Government Concurrence With Policies and Procedures 3.4-Obtain Final Approval	■							

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
COMMUNITY RELATIONS

Organizational Responsibility	TASKS	1 2 3 4 5 6					
		1973	1974	1975	1976	1977	1978 1979
JMN	1. <u>DEVELOP DIVISION POLICY</u>	■					
	2. <u>PREPARE PROCEDURES FOR COORDINATION AND APPROVAL OF C.R. ACTIVITIES</u>	■					
	3. <u>DEFINE RESPONSIBILITY OF EACH SECURITY CLASSIFICATION</u>	■					
	4. <u>COORDINATE TOTAL C.R. PLAN IN METRO</u>	■					
	5. <u>APPROVE PLAN</u>	■					
	6. <u>INCORPORATE INTO SECURITY DIVISION STANDARD OPERATING PROCEDURES</u>	■					

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
PERSONNEL STAFFING

Organizational Responsibility	TASKS	123456						
		1973	1974	1975	1976	1977	1978	1979
MNRS	1. PERSONNEL CLASSIFICATION 1.1-Establish Basic Qualifications 1.2-Develop Position Descriptions 1.3-Review Position Descriptions							
MNR	2. RECRUITING 2.1-Develop Recruiting Plan 2.2-Coordinate Plan With Local Officials 2.3-Develop Needed Materials 2.4-Approval of Recruiting Approach 2.5-Advertise Available Positions 2.6-Implement Pre-Employment Screening 2.7-Hire Per Schedule Requirements							

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE

TRAINING

		1 2 3 4 5 6						
Organizational Responsibility	TASKS	1973	1974	1975	1976	1977	1978	1979
MNR	1. <u>SUMMARIZE REQUIRED SKILLS AND KNOWLEDGE BY PERSONNEL CLASSIFICATION</u>	■						
	2. <u>IDENTIFY EXPECTED MINIMUM SKILL LEVELS OF PERSONNEL TO BE HIRED</u>	■						
	3. <u>DEVELOP SUMMARY OF NEEDED ADDITIONAL SKILLS AND KNOWLEDGE</u>	■						
C-H, MNR	4. <u>REVIEW EXISTING LOCAL TRAINING PROGRAMS WITH POLICE AND FIRE OFFICIALS</u>	■						
	5. <u>IDENTIFY NEEDED TRAINING COURSES THAT COULD BE SUPPLIED BY EXISTING ACADEMIES</u>	■						
ABI MR C-H, MB	6. <u>IDENTIFY NEW COURSES</u>	■						
	7. <u>OBTAIN MANAGEMENT APPROVAL</u>	■						
	8. <u>NEGOTIATE TRAINING SUPPORT FROM LOCAL AGENCIES</u>	■						

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
TRAINING (Continued)

Organizational Responsibility	TASKS	1972 2nd Half	1						2						3						4						5						6					
			1973	1974	1975	1976	1977	1978	1979	1973	1974	1975	1976	1977	1978	1979	1973	1974	1975	1976	1977	1978	1979	1973	1974	1975	1976	1977	1978	1979								
	9. <u>DEVELOP NEW COURSE MATERIAL</u>																																					
	10. <u>DEVELOP IN-SERVICE TRAINING PROGRAM</u>																																					
	11. <u>COMPILE TOTAL TRAINING PLAN</u>																																					
	12. <u>OBTAIN MANAGEMENT APPROVAL</u>																																					
	13. <u>CONDUCT TRAINING COURSES</u>																																					

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE

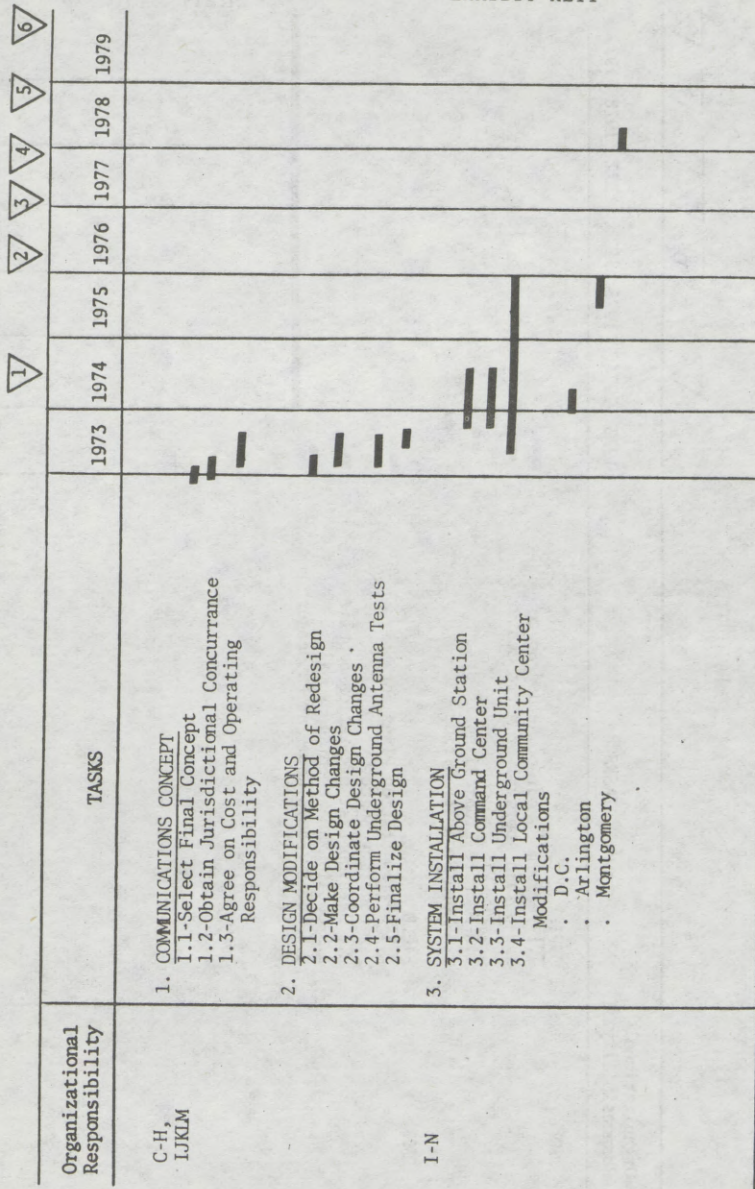
FACILITIES

Organizational Responsibility		TASKS	123456					
			1973	1974	1975	1976	1977	1978
JMN	1. OFFICE							
	1.1-Perform Layout of Needed Space	■						
	1.2-Obtain Approval of Metro Center Space	■						
	1.3-Prepare Floor Plans	■						
JMN	1.4-Move Security Office	■						
	2. FIELD							
	2.1-Review Station Plans for Security Space	■						
	2.2-Develop List of Station Supplies	■						
	2.3-Obtain Management Approval	■						
	2.4-Modify/Equip Rooms at Passenger Stations	■						

EXHIBIT XLI

EXHIBIT XLII

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
COMMUNICATIONS



METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE

COMMUNICATIONS (Continued)

Organizational Responsibility	TASKS	123456						
		1973	1974	1975	1976	1977	1978	1979
	4. PROCEDURES							
	4.1-Develop Operator Training Requirements	■						
	4.2-Develop Operational Procedures Manual	■						
	4.3-Prepare Maintenance Procedures	■						

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
PERSONAL AND SUPPORT EQUIPMENT

Organizational Responsibility	TASKS	1 2 3 4 5 6						
		1973	1974	1975	1976	1977	1978	1979
MORS	1. REQUIREMENTS							
	1.1-Develop Complete List of Equipment							
	1.2-Obtain Approval							
	1.3-Develop Inventory Control Procedures							
MNS	2. IMPLEMENTATION							
	2.1-Procure Equipment							
	2.2-Receive and Distribute Equipment							

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
RECORDS, REPORTS, AND AUTOMATED SYSTEMS

Organizational Responsibility	TASKS	1 2 3 4 5 6						
		1973	1974	1975	1976	1977	1978	1979
C-H, MN	1. RECORDS							
	1.1-Identify State, D.C., and Metro Requirements	■						
	1.2-Develop Data Flow Information	■						
	1.3-Develop Data Collection Procedures	■						
	1.4-Prepare Record Forms	■						
C-H, MN	2. REPORTS							
	2.1-Obtain Virginia, Maryland, and D.C. Reporting Requirements	■						
	2.2-Develop Report Forms	■						
	2.3-Establish Classification System	■						
	2.4-Implement System	■						
BMN	3. AUTOMATED SYSTEMS							
	3.1-Submit Letters to Miles, Wales, and VCIN	■						

○ Scheduled Milestone

△ Revised Milestone

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE

REVENUE PROTECTION

Organizational Responsibility	TASKS	1 2 3 4 5 6						
		1973	1974	1975	1976	1977	1978	1979
	• Develop Preliminary Collection Frequency by Station	■						
	• Determine Revenue Team Composition	■						
	• Determine Degree of Counting Automation	■						
	• Review Consultant's Recommendation	■						
	• Begin hiring		■					
	• Begin Operations			■	■			
	• Review and Adjust				■			

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE

LEGISLATION - REGULATIONS

Organizational Responsibility	TASKS	123456						
		1973	1974	1975	1976	1977	1978	1979
ABMO	<u>OBTAIN LEGISLATION</u>							
	• Review Consultant's Recommendation • Select Subjects for Legislation • Review Proposed Legislation With Local Governments • Draft Legislation • Introduce Into Legislatures							
	<u>PROMULGATE REGULATIONS</u>							
	• Survey Other Transit Regulations • Draft Metro Regulations • Coordinate With Local Prosecutors • Hearings • Board Adopts Regulations							

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
SECURITY OPERATING PROCEDURES

Organizational Responsibility	TASKS	1 2 3 4 5 6					
		1973	1974	1975	1976	1977	1978 1979
JNR	<u>OUTLINE CONTENTS OF OPERATING PROCEDURES</u> <u>MANUAL</u> • Organization • Policy • Metro Procedures • Jurisdiction Procedures - Liaison - Response - Arrest - Transport & Booking - Reporting - Investigation - Hearings - Patrol Responsibilities • Coordinate With Each Jurisdiction • Complete Procedures Manual • D.C. Agreement • Virginia and Maryland Agreement						

EXHIBIT XLVIII

METRO SECURITY PLAN
IMPLEMENTATION SCHEDULE
EMERGENCY PROCEDURES

Organizational Responsibility	TASKS	1 2 3 4 5 6					
		1973	1974	1975	1976	1977	1978 1979
C-H, LJMN	1. <u>IDENTIFY AND DESCRIBE SITUATIONS TO BE CONSIDERED</u>	■					
	. Fires						
	. Accidents						
	. Sickmess						
	. Suicides						
	. Floods						
	. Crowd Management						
	. Bomb Threats						
	2. <u>IDENTIFY AGENCIES INVOLVED</u>	■					
	3. <u>DEVELOP EMERGENCY RESPONSE PLANS</u>	■	■				
	4. <u>COORDINATE PLANS</u>		■				
	5. <u>OBTAIN MANAGEMENT APPROVAL</u>		■				

APPENDIX A

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LEGAL AND LEGISLATIVE PROBLEMS INVOLVED
IN PROVIDING A SECURITY SYSTEM FOR METRO

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LEGAL AND LEGISLATIVE PROBLEMS INVOLVED
IN PROVIDING A SECURITY SYSTEM FOR METRO

In developing an effective security program for Metro, consideration must be given to the several interrelated elements involved in the law enforcement process. These elements include the police or security function, the juridicial problems relating to prosecution of offenders, including place of trial, and the adequacy of the existing substantive law of crime from the standpoint of the full scope of protection required by a technically sophisticated regional transit system and its patrons. Treating with these elements present numerous and complex legal problems, stemming from the fact that the Transit Zone covers portions of two states, which encompass four counties, independent cities, and other municipal corporations, and the District of Columbia. Each of such governments, in varying degrees, have laws, ordinances, and regulations and law enforcement and judicial procedures and processes which have structural significance for the Metro security program.

This Memorandum is limited to an analysis of the laws relating to the police or security function and the juridicial problems relating to prosecution of offenders in order to identify and analyze the legal problems which must be dealt

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with in developing a security program for Metro capable of operating effectively and harmoniously throughout the Transit Zone. The Memorandum also is designed to indicate matters which may require remedial legislation. It is expected that this background material will be useful in appraising the several alternative programs Arthur Young & Co. will present.

THE COMPACT PROVISIONS RELATING
TO POLICE FUNCTIONS

Section 76 of the Compact provides the legislative framework within which the security system for Metro may be developed. That section provides as follows:

"76. The Board is authorized to employ watchmen, guards and investigators as it may deem necessary for the protection of its properties, personnel and passengers and such employees, when authorized by any jurisdiction within the Zone, may serve as special police officers in any such jurisdiction. Nothing contained herein shall relieve any signatory or political subdivision or agency thereof from its duty to provide police service and protection or to limit, restrict or interfere with the jurisdiction of or performance of duties by the existing police and law enforcement agencies."

The police power is an attribute of sovereignty and, as such, its source is the State rather than the Political Subdivisions, Maryland and Virginia, in accordance with

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established practice, by statutes have delegated the exercise of a portion of their inherent police power to State agencies, the Counties, Cities and other incorporated municipalities. With respect to the District of Columbia, the Congress has broadly delegated its police power over that area to the Government of the District of Columbia (Title 4, District of Columbia Code, §101 et seq.; see Reorganization Plan No. 3 of 1967, Part IV, District of Columbia Code, Appendix to Title 1).

Some, but not all, of the agencies and Political Subdivisions have promulgated regulations and ordinances implementing the police powers which have been delegated to them. As a point of departure, it is, therefore, necessary to examine the statutes and regulations of the District of Columbia and Maryland and Virginia and the ordinances and regulations promulgated pursuant thereto by the Counties, Cities and towns in Maryland and Virginia to clearly establish the powers and limitations of the security personnel specified in §76 of the Compact, namely, of watchmen, guards, investigators and special police, the procedures for the appointment of such personnel, their tenure, and other matters which may affect their capacity to serve the needs of Metro.

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In addition, this body of law must be examined to ascertain the powers and limitations of the established police forces of the States and Political Subdivisions in the area to determine how such personnel may be utilized in providing security services for Metro. An analysis of these provisions of law will provide a basis for determining whether an effective security program may be developed under the provisions of existing law or the extent to which additional State or local legislation or amendment of the Compact may be necessary to provide the kind of security program essential for wide public support of the regional transit system.

Analysis of Existing Law
Police Function

I. Watchmen and Guards

In general usage the terms "watchmen" and "guards" are not clearly defined and in some instances the terms are used interchangeably and, in other instances, are used to designate distinct functions. In Maryland, for example, it has been held that a watchman is one who services or constantly watches or patrols a particular building or contiguous group of buildings (Bartholone v. Baltimore Fire Patrol and Dispatch Company, 38 F.2d 98, 103 (1942)). In Klopfer v. District of Columbia, 25 App. D.C. 4 (1905), the Court equated a private watchman

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commissioned as a private in the Metropolitan Police, whose wages and expenses were paid by private persons, with that of a special policeman. In another situation, a protection agency designated its employees, who performed similar functions, as "guards" (N.L.R.B. v. American District Telephone Company of Pennsylvania, 205 F.2d 86, (3d Cir. 1953)). A guard in a Cincinnati workhouse, however, has been considered to be a policeman (Ibod v. City of Cincinnati, 29 Ohio Dec. 213).

This lack of clarity with respect to the functions and status of watchmen and guards is rooted in history. At common law the "watchman" possessed the power of arrest and, historically, is the predecessor of the present-day police (Frank v. Wabash Railroad Company, 295 S.W.2d 16, 20 (S.Ct. Missouri, 1956); Porter v. State, 52 S.E. 283, 285 (Ga., 1905); 16 McQuillin, Municipal Corporations (1972 Revised Vol.), §45.06a at p. 582). That power of arrest has been held to be the same as the power of a constable to arrest on reasonable grounds to suspect that a felony has been committed, though without proof of the actual commission of the felony (Harris v. Severe, 138 So. 459, 460 (La. 1931)).

It appears, however, under the laws of the several governments encompassed within the Transit Zone that neither

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watchmen nor guards, unless commissioned as special police, are vested with police powers and, as any citizen, may arrest only for a felony committed in their presence. The arrest by a private citizen is valid only when the accused in fact committed the crime. Otherwise, the citizen (or watchman or guard) could be subject to false arrest.

In the District of Columbia, by General Order (Series 308, No. 7, effective December 1, 1971), the Metropolitan Police Department provides a definition for a "uniformed security officer", as follows:

"A uniformed security officer is any person employed as a uniformed guard or uniformed security officer who is not commissioned as a special policeman." (Part I. A, 2)

Although such a security officer is required to wear a uniform, the Regulations do not specify the type of uniform or require arm patches or other insignia. Moreover, under the Regulations uniformed guards or uniformed security officers are not permitted to carry arms or blackjacks and "have no power of arrest except that authority possessed by any citizen." (Id., Part I, B. 2a).

In Arlington County all persons providing detective or watchman services in the county are required to register

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with the Chief of Police, and must pay a license tax (Arlington County Code, §11-34). Alexandria City exempts from its license tax a person performing service of a watchman only or one employed to keep a business or the merchandise of a business under surveillance to prevent theft (Alexandria City Code, §20-51).

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II. Investigators

Section 76 of the Compact also authorizes WMATA to utilize investigators. There are no statutes, ordinances, or regulations either in the District of Columbia, Maryland, or Virginia and the Political Subdivisions located therein which expressly recognize investigators as an element of a security ^{1/} force available to WMATA.

Each jurisdiction, however, makes provision for private detectives who are adequately empowered to perform the investigative function and clearly may be hired by WMATA on an independent contractor basis. There follows a discussion of the laws of the several jurisdictions with regard to the functions of investigators as part of the security system.

A. District of Columbia

A private detective is defined as "any person (whether he be self-employed or employed by others), firm, or corporation which is engaged in the business of. . .detecting,

1/

In Virginia, the Governor is authorized to appoint investigators with jurisdiction throughout the State in enforcement of the laws of the State, but such investigators are directly responsible to the Governor (Code of Virginia, §52-23). In Prince George's County, the States' Attorney for the County is authorized to appoint special investigators who shall be directly under his supervision and perform only such duties as he may designate. (Prince George's County Code of Ordinances and Resolutions §15-31, et seq.)

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discovering, or revealing crime or criminals or securing information for evidence relating thereto, or discovering or revealing the identity, whereabouts, character, or actions of any person or persons. . . ." The definition expressly excludes persons who are employed as uniformed guards or uniformed security personnel (Police Regulation No. 70-30, §1(c)). The Regulations require that any person, firm, or corporation operating as a private detective be licensed by the Commissioner, after approval by the Chief of Police. Private detectives are subject to "all laws which govern the police force in the matters of persons, property, or money." (4 D.C. Code §174). A private detective may carry weapons, subject to prescribed regulations, which are similar to the regulations applicable to special police.

Under these provisions, WMATA may utilize private detectives on an independent contractor basis for investigatory services. Although WMATA employees may not be comprehended within the definition of private detectives, it appears, however, that in the District of Columbia WMATA may obtain investigatory services on an employee basis through the services of special police, since, as discussed, infra, the Regulations governing special policemen permit the waiving of a uniform requirement (Police Manual, Ch. XI., §11.1).

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B. Maryland

In Maryland, the function of an investigator is comprehended within the concept of private detectives (Annotated Code of Maryland, Art. 56, §75(c)). The statute, however, expressly excludes from its coverage "any lawful activity of any. . .agency. . .of any state, territory, or possession of the United States of America. . .or any officer or employee solely, exclusively and regularly employed by the foregoing . . ." Similarly, there is excluded from the applicability of the statute regulating the "private detective business, . . .any employee, investigator or investigators solely, exclusively and regularly employed by any person, firm, association or corporation which is not engaged in any of the businesses" defined as private detective business "in so far as their acts may relate solely to the business of employer." (Id., at §75(a)).

Thus, in Maryland, as in the District of Columbia, WMATA may utilize private detectives for investigatory services on an independent contractor basis. Although employees of WMATA may not be comprehended within the definition of private detectives, the statute does not preclude the use

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by a governmental agency of employees to perform investigatory services. In any event, it appears that special police may be utilized to perform investigatory services (see discussion below).

Maryland law permits licensed private detectives to carry concealed weapons (Annotated Code of Maryland, Art. 56, §90A), but the exclusion of a person regularly employed by a governmental agency from the statutory provisions governing licensed private detectives leaves a void with respect to the right of persons employed by WMATA as investigators to carry weapons. This does not appear to present a significant limitation on the effectiveness of the employee-investigator, because, if necessary, he could perform the investigative function in the capacity of a special policeman.

C. Virginia

By statute, the Governor has the power to appoint investigators, who shall be directly responsible to him, in the enforcement of the laws of the State (Code of Virginia §52-23). Except for this provision, which is of doubtful relevance as an element in the security program for Metro, there is no recognition in the laws of Virginia and of its Political Subdivisions in the Transit Zone of the function of investigator.

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Moreover, there is no law or regulation of statewide application in Virginia, as there is in Maryland and the District of Columbia, with respect to private detectives. Virginia law does, however, authorize Counties having a population of more than 150,000 to regulate private detectives through a licensing procedure (Code of Virginia, §54-729.1). Pursuant to this statute, Fairfax and Arlington Counties require every detective agency to register and pay a license tax (Fairfax County Code §25-40; Arlington County Code, §11-34). Similarly, the City of Alexandria requires registration and the payment of a license tax (Alexandria City Code, §23-10 and §20-51).

III. Special Police

There is legal authorization for special police, or officers of equivalent authority, in the District of Columbia, Maryland, Virginia, and in all the Political Subdivisions. Although the Enabling Acts have many features in common, each

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must be examined to identify any significant differences which would impose undue restrictions on the utilization of special police in a regional security program.

A. District of Columbia

The appointment of special police is authorized by a statute (4 D.C. Code §115) and rules and regulations governing the activities of special policemen are set forth in the Police Manual Regulations and General Orders of the Metropolitan Police Department.

1. Appointment and Tenure

With respect to appointment, the Code provides as follows:

"The Commissioners of the District of Columbia, on application of any corporation or individual, or in their own discretion, may appoint special policemen for duty in connection with the property of, or under the charge of, such corporation or individual; said special policemen to be paid wholly by the corporation or person on whose account their appointments are made, and to be subject to such general regulations as the said commissioners may prescribe."

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As noted, the statute limits special police to service for any "corporation or individual." It must, therefore, be determined at the outset whether WMATA is the kind of entity entitled to utilize the service of special police. In this connection, it is to be observed that under §4 of the Compact, WMATA is created as "a body corporate and politic." Section 4-115 of the District of Columbia Code gives no indication that the term "corporation" as used therein is limited to private corporations or was intended to exclude public corporations or entities. The contrary intention is indicated by the provisions of Chapter XI, §11.6(f) of the Police Manual which authorizes the appointment of employees of "the Government of the District of Columbia and whose duties require protection of the property or interest of the District of Columbia. . . ." Moreover, the form on which the commission for a special policeman is issued requires the identification of the "Firm or Agency by whom employed" (Form PD 367, rev. 1969).

Appointments as special police by the Commissioner are made with the approval by the Chief of Police (Police Manual, Ch. XI, §11.5) upon application made jointly in the names of the prospective special policemen and the employer (Id., §11.11). The Regulations specify that appointments shall

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be made for a specified time (Id., §11.3) and provide, additionally, that a commission shall be for one year or less in the discretion of the Commissioner (Id., §11.12). The statute and Regulations are silent on the matter of renewal of commissions but renewals are routinely issued in practice.

2. Powers and Limitations

The District of Columbia Code limits the appointment of special policemen "for duty in connection with the property of or under the charge of," the employer-applicant. The Regulations establish six duty categories and specify that a commission may not be held under more than one category at the same time. The application must specify the category in which the applicant will serve and the commission is limited to that category (Id., §11.6). The category most nearly meeting the needs of Metro is set forth in paragraph (b) of §11.6, as follows:

"To protect the property of one person or corporation located in various sections of the District of Columbia and in more than one police district and to protect money, securities, or other property being transported

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between the locations of the property of such person or corporation, or between such locations and certain banks or other depositories, but all such locations of property, banks, or other places shall be specified upon the face of the commission issued to such special policemen;"

It may be seen that the statute and the cited Regulation restrict the duty of special policemen to the protection of property, money and securities. Such limited language necessarily raises the question of whether a special policeman is empowered to enforce laws other than those relating to the protection of property, such as protection of persons and enforcement of narcotics laws and prevention of breach of the peace. In this connection, it is to be observed that the Code does provide that "A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, . . ." (D.C. Code §23-582). Although this provision falls short of equating the powers of special police with those of regular police, it does empower special police to act in the case of violation of any laws on the premises. Support for this conclusion is found in

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general law and court cases which provide a special policeman is held to have the same powers as regular police, unless his power is expressly limited by statutes or regulations (16 McQuillin, Municipal Corporation (1972 Rev.Ed.) §45.15 at pp. 615 and 672).

It is generally recognized that a special policeman may arrest for misdemeanors involving a breach of the peace and for felonies when such crimes are committed in his presence (See Restatement (Second), Torts §119 (1965)). In the District of Columbia, the Courts have broadly construed the arrest powers of special police (Singleton v. U.S., 225 A.2d 315, 317 (1967)). In Singleton, the Court said:

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"Police officers may arrest without a warrant when there is probable cause to believe that a felony has been committed and that the arrested person committed it, *Smith v. United States*, 103 U.S.App.D.C. 48, 254 F.2d 751, cert. denied, 357 U.S. 937, 78 S.Ct. 1388, 2L.Ed.2d 1552 (1958), and when a misdemeanor has been committed in their presence or view, *Maghan v. Jerome*, 67 App.D.C. 9, 88 F.2d 1001 (1937). They may also arrest for certain misdemeanors, including petit larceny, using the probable cause standard. E. g., D.C., Code §23-306 (1961)."

Singleton expressly declared that a special policeman is a "police officer within the meaning of Code Section 23-306 which permits arrests without a warrant upon probable cause for petit larceny and for unlawful possession of implements of a crime such as burglar tools, weapons, lottery tickets, stolen property."

Thus, it would appear that, although a special policeman is commissioned to protect the property of his employer, the arrest power of a special policeman in the District of Columbia is not limited to offenses against the property of his employer.

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3. Weapons

Special police are authorized to carry firearms under the conditions specified under Ch. IX of the Police Manual and may also carry blackjacks while acting within the scope of their authority and while performing the duties for which they have been commissioned (Metropolitan Police Department, General Order, Series 308, No. 7, paragraph C). The Police Manual provides that a special policeman shall not display weapons in any other place than the area or location specified in his commission (Police Manual, supra., §11.7). The Police Manual further provides that "Firearms or other dangerous weapons carried by special policemen must be left on the premises specified in his commission when the policeman is actually not on duty" and, when his commission extends to more than one location, "may be carried only when. . .on actual duty in the area thereof or while traveling, without deviation, immediately before or after the period of actual duty, between such area and his residence" (Police Manual, supra., §11.8).

Effective March 1, 1970, all special police officers must have a "Course Completion Certificate" from an accredited

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organization indicating that he has completed a course in fire-arms training qualification.

4. Uniforms

The Police Manual provides that, unless specifically waived on the face of the commission, a special policeman shall, while on duty, wear distinctive uniforms, which, among other things, contains a shoulder patch carrying the words "SPECIAL POLICE", together with the name of the employer.

B. Maryland

In Maryland the Governor is authorized by statute to appoint special policemen (Annotated Code of Maryland, Art. 41 §60 et seq.). In addition, Montgomery and Prince George's Counties, as Charter Counties, have been delegated extensive police powers under the Express Powers Act (Annotated Code of Maryland, Art. 25A §5). Prince George's County has enacted detailed ordinances governing special policemen (Ordinance and Regulations of Prince George's County, §15-19 et seq.). While these ordinances were adopted under the Commission form of government, these ordinances are still in effect under its new Charter-Executive form of government. (Charter for Prince George's County, Art. XI Effect and Amendment of Charter, §1102, Subtitle Existing Laws p. 35).

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Montgomery County has not enacted any ordinances governing special policemen, and the County does not appoint special policemen. The functions of special police are performed by special deputy sheriffs appointed by the Sheriff to protect specified real property. Once deputized, the deputy sheriffs possess full police powers to arrest on the property. (See Art. 27, Md. Code §594B(f)(7)). It is the opinion of the County Sheriff that the special deputies, unlike deputy sheriffs, do not have fresh pursuit powers. The distinction apparently lies in §2-100 of the County Code limiting the powers of special deputies.

1. Appointment and Tenure

Special policemen are appointed by the Governor upon the application by the employer of the person to be commissioned made to the Superintendent of the Maryland State Police (Annotated Code of Maryland, Article 41, §§60 and 61). The initial or renewal application fee of \$25.00 is waived for an application by any agency of the State (Annotated Code of Maryland, Article 41, §61).

Under Article 41, §70A(e), a probationary appointment as a security officer (which is defined to include a special policeman) may be made for a period not to exceed one

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year. A permanent appointment may be given when the person completes a police training course at an approved school or has been approved by the Maryland Police Training Commission based upon other criteria and qualifications as established (§70A(f)).

Among those entities eligible to make application for appointment for special policemen are any subdivisions or agencies of any state which has an interest in property situated

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wholly or partly in the State and any corporation or other entity existing and functioning for a legitimate and legal business purpose, in order to protect its business and property (Annotated Code of Maryland, Art. 41, §63).

A person appointed as a special policemen shall be deemed to be the employee of the applicant requesting his appointment and he shall be compensated by his employer (Annotated Code of Maryland, Art. 41, §67).

2. Powers and Limitations

Although the appointment of special policemen is oriented to the protection of property, it appears that the powers of special policemen are not solely restricted to that function. The full reach of the powers and duties of special policemen is specified as follows (Annotated Code of Maryland, Art. 41, §60):

"Each person appointed under this subtitle as a special policeman shall be charged with the protection and preservation of peace and good order on the property described in the application for the commission. He shall have

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the power to arrest persons who trespass or commit offenses thereon. He shall have, and may exercise, the powers of a police officer upon the property described in the application for the commission and may exercise these powers in any county or city of the State of Maryland in connection with the care, custody, and protection of other property of the requesting authority or other property, real or personal, for which it has assumed an obligation to maintain or protect. In order to facilitate the orderly ingress and egress of traffic to and from the property described in the application, he shall have the authority to direct and control traffic on public highways and roads adjacent to and in the immediate vicinity of the property described in the application when this activity is approved in advance by the Superintendent of the Maryland State Police. He shall be responsible for any abuse of his powers or the exercise of them on property not within his jurisdiction. The requesting authority for whose convenience and protection the policeman has been appointed shall also be responsible for any wrongful actions committed by him in the course of his duties as well as any abuse of the powers granted by the Commission either on or off the premises."

Another section of the Maryland Code grants a police officer powers of arrest without warrant for felonies or misdemeanors attempted or committed in his presence or within his

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view, or if he has probable cause to believe that such acts are being committed in his presence or within his view or has been committed or attempted, whether or not in his view or presence, and for commission or attempted commission of a list of crimes, including crimes against persons, vandalism, narcotics violations and various other unlawful acts which it may be expected are likely to occur on the Metro system (Annotated Code of Maryland, Art. 27, §594B). Under this section of the Maryland Code "police officer" is defined as "any person who, in his official capacity, is authorized by law to make arrests" and, as relevant to our problem, "Who is appointed or given the powers of a special policemen employed and compensated by the State for the enforcement of law and the maintenance of order on property of the State or any of its agencies, or for the protection of such property" (Emphasis supplied).

Article 27, §594B raises the question of whether the power of special police to arrest without a warrant is limited only to those special police compensated by the State. Construing Article 41, §60 and Article 27, §594B together, it must be regarded as extremely doubtful that any such limitation is intended. In this connection, it is pertinent to observe that the Maryland Court of Appeals has held that Article 27 §594B was declarative of the common law rules followed in

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Maryland (Rife v. State, 267A.2d 326). Thus, the view that all special police may arrest without warrant is supported both by practical necessity and judicial precedent.

3. Weapons

Section 62(b) of Article 41 of the Maryland Code authorizes the Superintendent of the Maryland State Police to promulgate "such rules and regulations as to the conduct of the special police as he deems necessary. . .and may require such training and education as he deems necessary."

At the 1971 session, the General Assembly amended the Police Training Commission Act to place the training of "security officers" under the authority of the Police Training Commission (Annotated Code of Maryland, Article 41, Maryland Code §70A). "Security Officers" is there defined to include a special police officer "employed by any. . .governmental body of the State of Maryland and for the purpose of protecting any property. . .used by the governmental body."

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The Police Training Commission has set forth standards for the required training course in the use and handling of weapons. (See p. 19, Third Annual Report to the Governor and Members of the General Assembly, Maryland Police Training Commission). In addition to training in the use of weapons, the training course entails all aspects of police work, including the study of the substantive and procedural laws, police procedures, investigation and enforcement, and physical training and skills, etc.

4. Uniforms

Special policemen are required to wear a uniform and badge which shall be in plain view and both require the approval of the State Police (Annotated Code of Maryland, Art. 41, §65(a)).

C. Virginia

In Virginia, officers performing the functions of special police may be appointed at the State, City and County levels. The Governor is authorized to appoint temporary special police officers with statewide powers for the enforcement of the laws of the State (Code of Virginia, §52-23). It does not appear, however, that the statute contemplates

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that such special police may be used as part of a security force for Metro, because the appointments are temporary in nature and the appointees are directly responsible to the Governor. Moreover, such special police are to be compensated by the Governor from funds appropriated to the Governor for the effective control of the State (Code of Virginia, §52-24).

1. Appointment and Tenure

The Circuit Court of any county may appoint special policemen for areas of the county not embraced within an incorporated town for a term not to exceed four years under any one appointment. (Code of Virginia, §15.1-144). Application for appointment is made in writing solely by the Applicant and any person appointed as a special policeman shall reside in the Commonwealth during his tenure of office (Code of Virginia, §15.1-145).

For cities and towns there is no state-wide statutory authority, as there is for Counties, for the appointment of officers designated as special police. The Code, however, provides for the appointment by the circuit, corporate, or hustings court of any city, county, or town in which specified

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facilities are located of conservators of the peace (Code of Virginia, §19.1-20, et seq.). These appointees are vested with the same powers and duties as special policemen in counties (Code of Virginia, §19.1-30). As relates to the security system for Metro, the statute limits the appointment of conservators of the peace to five specific situations:

- 1) any place where there are great gatherings of people; 2) any place deemed essential to National and State defense; 3) any university or college; 4) any State penal or correctional institution; or 5) any hospital or institution under the State Hospital Board (Code of Virginia, §19.1-28). It appears that an airport, although not specifically designated in §19.1-28, is an eligible place (Code of Virginia, §19.1-29). Since the Metro stations and trains will be places where there are "great gatherings of people", the cities and towns in the Transit Zone may appoint conservators of the peace for WMATA under §19.1-20 et seq.

The Alexandria City Code (Art. IV, §2-51) authorizes the city manager to appoint special policemen not exceed 250 in number. The special police shall not be compensated by the city, but rather by the merchant, manufacturer or other citizen making the request for appointment.

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2. Powers and Limitations

The jurisdiction and authority of special police shall extend no farther than the limits of the county in which they are appointed and may be limited to a specific place or places in the county. The jurisdiction and authority of such police, however, may be extended into an adjoining county which is not part of an incorporated town by order entered by the Circuit Court of the adjoining county (Code of Virginia, §15.1-152).

Apparently, the practice in Fairfax and Arlington Counties differs with respect to territorial limitations. In Fairfax a commission has been granted authorizing a special policeman to cover all the campuses of Northern Virginia Community College in the County. It appears that commissions in Arlington County have been limited to a single designated place.

Special police are empowered to apprehend and carry before a justice of the peace all persons when they are directed by a warrant to apprehend "or whom they have cause to suspect have violated, or intend to violate any law of the State. . .and may execute any search warrant. . .and they shall have the authority to require any person present to aid in making an arrest." (Code of Virginia, §15.1-153)

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The powers of a special policemen are also supported by their designation as conservators of the peace (Code of Virginia, §15.1-144). A conservator of the peace is empowered to "arrest without a warrant for felonies committed in his presence, or upon reasonable suspicion of a felony and for breaches of the peace and all misdemeanors of whatever character committed in his presence." (Code of Virginia, §19.1-20; see also Williams v. Commonwealth, 128 S.E., 572, 573 (1925); Crosswhite v. Barnes, 139 Va. 471, 478, 124 S.E. 242; Montgomery Ward v. Wickline, 50 S.E. 2d 387, 389 (Va. 1948); Byrd v. Commonwealth, 158 Va. 897, 902, 164 S.E. 400, 402 (1932); 2A Michie Jurisprudence, Arrest §§8 and 9; 5 Am. Jur. 2d, Arrest, §§25 and 28; 6 C.J.S., Arrest §5).

3. Weapons

The order of appointment entered by the Court may limit the carrying of weapons (Code of Virginia, §15.1-152). By statute, police officers and conservators of the peace may carry concealed weapons (Virginia Code §18.1-269). Under the Alexandria City Code, it is unlawful to carry a loaded firearm. This, of course, causes problems for police in emergency situations.

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4. Uniforms

The type of uniform, badge, insignia, or identification to be worn or carried is to be specified in the appointing orders, but may not resemble or "be in facsimilie of the uniform, badge, insignia, or identification of State Police or that of any sheriff or member of any police department of the appointing county or any adjoining county or city." (Code of Virginia, §15.1-152). There are no comparable statutory provisions regarding uniforms for conservators of the peace appointed by cities.

Fresh Pursuit By
Special Police

There are several aspects of fresh pursuit by special police which need analyzing. The first is the power of a special policeman to exercise his authority outside the property he is appointed to protect. The second is legal authority of a special policeman in the state or jurisdiction in which he is commissioned to go beyond its borders. Thirdly, is whether a sister state where the accused has fled will permit entry into its boundaries by foreign police.

District of Columbia

a. The Police Manual provides that a special policeman may exercise his authority "outside of the property

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or area he is appointed to protect when in fresh pursuit of a felon or misdemeanor from or immediately adjacent to the property or area to protect which he is commissioned" (Police Manual, supra, §11.9). This regulation is supported by Singleton v. U.S., 225 A.2d 315, where the court upheld an arrest by a special policeman who followed an accused out of a department store into a dime store and arrested the defendant upon leaving the second store.

b. It is not clear whether this fresh pursuit is limited to the District of Columbia or authorizes pursuit into other States. There are two Code Provisions which bear on the question. Section 23-582(a) of the D.C. Code provides in this connection that "A special policeman. . .may arrest outside the premises on fresh pursuit on offenses committed on the premises." Section 23-581 expressly authorizes "A law enforcement officer" to engage in fresh pursuit beyond the District of Columbia. But, by statutory definition "law enforcement officer," as used in §23-581, means "an officer or member of the Metropolitan Police Department of the District of Columbia, or an investigative officer or agent of the United States" (D.C. Code §23-501). The question presented is whether a

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special policeman, although not expressly included in the definition of a "law enforcement officer" in §23-581, is to be regarded as having extra-territorial powers of arrest. At least one case construing related sections of the D.C. Code has defined special police as being "a police officer" (Singleton, supra). Moreover, the Supreme Court has held that "Special policemen are public officers when performing their public duties." (N.L.R.B. v. Jones & Laughlin Steel Corp., 331 U.S. 416, at 431). These cases would seem to bring a special policeman within the term "law enforcement officer." Additionally, the status of the WMATA as an agency and instrumentality of the District of Columbia lends support to the view that a special policeman hired by the Authority may be included in the definition of "law enforcement officer." It must be recognized, however, that the power of special police to arrest in fresh pursuit beyond the limits of the District of Columbia has not been considered by the Courts and the question will remain in doubt until legislatively or judicially clarified.

c. Maryland, Virginia, and the District of Columbia have substantially the same statutory provisions governing pursuit of a person suspected of having committed a felony. Title 23, §901 of the D.C. Code provides:

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"Any member of a peace unit of any state or county or municipality thereof may enter the District of Columbia in fresh pursuit in order to arrest a person believed to have committed a felony in such state." (See also Article 27, Maryland Code, §595 and Art. 19.1-97 of the Virginia Code)

In all three jurisdictions, the accused must be taken before a local court where the accused is caught to determine if the arrest is lawful. If, after a hearing, it is determined that the arrest was lawful, the person shall be committed to await extradition demand. (Article 27, Maryland Code §596; Article 19.1-97 of the Virginia Code; Title 23; D.C. Code, §92).

Under the acts related to fresh pursuit in Maryland, Virginia and the District of Columbia, any peace officer of one of the jurisdictions who enters another in fresh pursuit of a person believed to have committed a felony shall have the same authority to arrest and hold such person in custody as any member of a peace unit in which the person is caught. It should be pointed out that these fresh pursuit statutes apply only to interstate pursuit. (Gattus v. State, 105 A.2d 661, 204 Md. 589 (1954)).

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These statutes reflect the common law doctrine that an officer may pursue a felon or suspected felon, with or without a warrant, for his arrest into another jurisdiction and arrest him there and permit a peace officer to arrest a person outside his jurisdiction when in fresh pursuit without a warrant for misdemeanors committed in his presence.

Maryland

The Maryland Code does not expressly contain any provision comparable to 23 D.C. Code §582(a), previously referred to, which expressly empowers special police to make arrests in fresh pursuit outside his assigned premises for offenses committed on the premises and the powers of special police to make off-premises arrest is far from clear. With respect to intrastate fresh pursuit, the issue is clouded by Article 27, §602A and §602AB, which expressly grant the power of arrest in intrastate fresh pursuit to peace officers of the City of Annapolis and of incorporated municipalities in Allegheny County and makes no reference to peace officers of other Political Subdivisions.

The absence of a Maryland Code provision specifically permitting fresh pursuit by special policemen in both intrastate and interstate arrests, however, does not necessarily

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prohibit the power. It is established that regular policemen in Maryland clearly have the authority to pursue an accused into the District of Columbia for a crime committed in Maryland. In Boddie v. State, 6 Md. App. 523, 252 A.2d 290 (1969), the Court applied the District of Columbia law which allows a police officer to enter into the District in fresh pursuit. There was no issue raised in this case as to Maryland law allowing its police to enter into a sister jurisdiction. Under the authority of Boddie, it may be concluded that no specific statutory authority is necessary so long as the place where the arrest occurs allows the fresh pursuit. This conclusion is supported by Gattus v. State, 204 Md. 589, 105 A.2d 661, 666 (1954), which held that the common law in Maryland permits fresh pursuit arrests in felony cases as follows:

"Code 1951, Art. 27, §§680 to 687, Sub-title "Fresh Pursuit", relied on by the appellee, applies only to interstate pursuit and is not helpful here. See Report & Official Opinions of Attorney General of Maryland, Vol. 25, p. 303. The ancient common law doctrine of fresh pursuit, whereby an officer may pursue a felon or a suspected felon, with or without a warrant for his arrest, into another jurisdiction and arrest him there applies only to cases of felony. See

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Hale's Pleas of the Crown, Vol. 2, p. 94; 4 American Jur., Arrests, Secs. 17, 51; McCaslin v. McCord, 116 Tenn. 690, 94 S.W. 79, 84, 8 Ann.Cas.245. There is another common law doctrine of fresh pursuit whereby a peace officer may arrest, without a warrant, for misdemeanors committed in his presence within a reasonable time thereafter. The fresh pursuit affects only the reasonableness of the lapse of time between the commission of the offense and the arrest therefor. See 6 C.J.S., Arrest §6, pp. 590, 591." (at page 666)

While the above authorities relate to powers of a regular policeman, a special policeman, for purposes of arrest powers, is considered to be a police officer. (Rife v. State, supra; see also Singleton v. U.S., supra; Williams v. Commonwealth, supra). Since the fresh pursuit doctrine is an integral part of arrest powers, it follows that a special policeman has the same powers as a regular policeman in fresh pursuit. Although there is no statutory provision dealing with intrastate fresh pursuit and no case law was found on the matter, Gattus, which involved an intrastate arrest, recognizes that the doctrine of fresh pursuit has its genesis in common law and remains in effect.

Virginia

The authority of special police extends throughout the State "when actively in pursuit of persons accused of

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crime and when acting under authority of a duly executed warrant for the arrest of persons accused of committing crime."

(Emphasis supplied) (Code of Virginia, §15.1-152). Even though it may be argued that the use of the conjunctive "and" would limit arrest in pursuit to situations where a warrant has been issued, such construction of the statute does not appear to be well-founded. In the case of Williams v.

Commonwealth, supra, the Court, in construing a predecessor statute similar to §15.1-152, pointed out that the authority of special police extends throughout the state when actually in pursuit of persons accused of crime, as well as when acting under authority of a duly executed warrant (see also 2A Michie's Jurisprudence, Arrest §7 at p. 122, which is in accord with this latter construction of the statute).

The Virginia Code does not contain a provision comparable to 23 D.C. Code §581, previously referred to, which expressly empowers a law enforcement officer to engage in fresh pursuit outside the State. In this respect, the status of the law in Virginia presents an interpretative problem, as it does in Maryland. In this connection, it is to be recalled that Virginia has enacted a fresh pursuit statute

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(Code of Virginia, §19.1-97) which authorizes police of another state to arrest in Virginia. In light of this policy and the fact that the doctrine of fresh pursuit is rooted in common law, there is no basis, in the absence of law expressly to the contrary, to assume that Virginia law prohibits its police officers from fresh pursuit into another state. As in the District of Columbia, and Maryland, it is not clear whether special police are empowered to engage in interstate fresh pursuit, but, as in the District of Columbia and Maryland, there appears to be no basis for distinguishing between the arrest powers of regular and special police.

The Problem of Venue

It will be observed from the foregoing portion of this Memorandum that the fragmentalization of the Transit Zone into three States and multiple Political Subdivisions, creates problems for policing Metro. This fragmentalization of jurisdictions also presents problems of venue for prosecution of offenders in those situations where the jurisdiction in which the crime is committed cannot be determined. Those situations would primarily arise in connection with offenses committed in trains moving in subway and at those few stations located on jurisdictional boundaries. In the absence

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of data with respect to the potential volume of such offenses, no judgment may be made at this time as to whether such offenses would constitute a serious impediment to an effective security system.

There is set forth below an analysis of the law of venue in the Transit Zone and an examination of statutes dealing with venue 1) for offenses committed at or near a boundary line; 2) for offenses committed on a public vehicle; and 3) for offenses covered by the continuing crime doctrine.

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Sixth Amendment of the U.S. Constitution

The Sixth Amendment of the U.S. Constitution guarantees the accused a trial "by an impartial jury of the State and District wherein the crime shall have been committed." This provision is applicable to prosecutions in Federal Courts and has not been made applicable to State trials. (See 21 Am. Jr. 2d Criminal Law, §400; 22 C.J.S. Criminal Law, §182(1); State v. Byrnes, 150 N.W. 2d 280, 282 (Iowa, 1967); U.S. v.

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Nailon, 211 F.Supp. 676 (E.D.Pa. 1962); Ex Parte McNeely 14 S.E. 436 (W.Va. 1892). It should be kept in mind, however, that while the Supreme Court has not ruled on whether this particular provision of the Constitution is applicable to the States, other constitutional clauses have been applied to the States through the Fourteenth Amendment. (See In Re Oliver, 333 U.S. 257 (1948) (Public Trial); Irvin v. Dowd, 353 U.S. 948 (1957) (Impartial jury); Gideon v. Wainwright, 372 U.S. 335 (1963) (Assistance of Counsel)).

Accordingly, under the present state of the law, there is no Federal requirement that trials in State courts be in the state or district where the offense occurred. If, however, the offense were one involving a violation of a Federal law giving the U.S. District Courts jurisdiction, then in that event the suit must be brought in the state and district where the crime occurred. This could cause some practical problems on several of the Metro lines which have stations bordering the states of Maryland and Virginia. For example, the Capitol Heights station is located underground and is situated in both the District of Columbia and Maryland. A purse-snatcher could commit the illegal act at the location

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and be guilty of violating a Federal law relating to the transportation of stolen goods across state lines. In such case, under the Constitution the offense must be tried in the state or district where the crime occurred.

Offenses Committed at or near a
Boundary Line

The Maryland Constitution does not require that the trial of an accused take place where the crime was committed. The case of Kisner v. State, 122 A.2d 102 (1956) gives a long discussion of the point that the Maryland Constitution does not require that the trial of an accused take place in the county where the crime was committed. The Court traces the historical evolution from the early Common Law in Maryland through the present in supporting its conclusion. In addition, the Court cites numerous Maryland statutes in which there are provisions for the trial of crimes at locations other than the exact place where the alleged acts were committed. (Kisner at pp. 106-107). One of such statutes is Article 27, §590 of the Maryland Code which provides that any person who may commit any crime, felony or misdemeanor, at the boundary or division line between any of the Counties in Maryland, or so near thereto, or where the exact location of such boundary is so uncertain

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as to render it doubtful in which County the offense was committed, the accused may be indicted, tried, and convicted in the first County to assume jurisdiction, and the County need only prove that the crime was committed so near the boundary that it was uncertain in which County the crime was committed.

Virginia

The applicable provision of the Virginia Constitution, Article 1, §8, states that a man has a right to an "impartial jury of his vicinage." The Virginia Courts recognize that the usual venue in Virginia for the trial of a criminal case is a county or city where the crime is charged to have been committed. But, as pointed out in Ruffin v. Commonwealth, 21 Grat. (62 Va.) 790, and repeated in Howell v. Commonwealth, 46 S.E. 2d 37, 41 (1948), the "vicinage" provision of the Constitution has been given a reasonable construction consistent with other provisions, such as that for an impartial jury, permitting statutes providing for a change of venue, a jury from another county and similar legislative provisions. The Court, in Howell, however, also stated that if a statute intended to confer jurisdiction on the Court of any county or corporation in which the defendant is apprehended, even though he did

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not there commit the crime with which he is charged, it would be invalid. (46 S.E.2d at 40)

The authorities and cases in other states differ as to the technical meaning "vicinage" as used in the Constitution. In Commonwealth v. Collins, 268 Pa. 295, 110 A.738 (1920), it was held that a statute authorizing the prosecution of an offense in either of two counties, where such offense was committed within 500 yards of a boundary between the two, was not in contravention of a constitutional provision guaranteeing to an accused the right to a trial by an impartial jury of the "vicinage". The Court stated that the word "vicinage" had a meaning entirely different from county, saying, "if the framers of our Constitution had intended that trial of a crime should be before a jury of the County in which it was committed, they, too, would have used that definite word, instead of vicinage of indefinite meaning." In a subsequent Pennsylvania case, Commonwealth v. Reilly, 88A 574, 579 (1935), the Court stated that vicinage is not coterminous with a county and may, in fact, embrace more than one county. The main consideration is to give a speedy trial before an impartial jury drawn from an area broad enough to

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secure it. The following cases are in accord with the Pennsylvania decisions: Andrews v. Ellsworth, 190 Mich. 157, 156 N.W. 115 (1916) (interpreting similar vicinage provision in Michigan Constitution); U.S. v. Naillon, 211 F.Supp. 676, 678 (E.D.Pa. 1962); State v. Longley, 119 Me. 535, 112 A. 260, 261-262 (1921).

The Court said in Longley, id., "The word 'vicinage' does not mean 'county'; it means 'neighborhood'", 112 A at 262. An early California case interpreted the word in such a way as to guarantee the accused the right of trial by jury in the place by law designated as the place for trial. (People v. Richardson, 32 P.2d 433, 435 (Cal. 1934)). The Court said:

"The position taken by petitioner as to his right to a trial by jury of his peers in the county or vicinage is unassailable. The word 'vicinage' is subject to various definitions, mainly depending upon the sense in which it is used. The Standard Dictionary defines it as the neighborhood, or, as applied to juries, 'in modern use, a jury of the county wherein trial is had.' We are of the opinion, therefore, that, if the statute guarantees to the accused the right of trial by jury in the place by law designated as the place for trial, it confers upon him the right contemplated by the Constitution. The authorities cited, to the effect that the trial must be in the county wherein the offense was committed, have no application in this state, where, under the Constitution, the place of trial

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is subject to legislative determination. Under this view appellant's constitutional right to trial by jury was not invaded by the statute which related merely to the place of trial."

The above construction of the meaning of "vicinage" is not uniform, as evidenced in the case of People v. Goodwin, 263 Ill. 99, 104 N.E. 1018 (1914). In that case, the Court discussed the difference between its then present Constitution and two former sections, which provided that an accused had the right to "a speedy public trial by an impartial jury of the vicinage." The Court said that "It must be admitted, probably, that both these constitutional provisions [i.e., the earlier sections] were susceptible of but one construction, viz., that of limiting jurisdiction in all criminal prosecutions absolutely to the county where the crime alleged was actually committed." (accord, State v. Miles, 248 P. 442 (Idaho, 1926); Graham v. Beverly, 110 S.E.2d 923, 925-926 (1959); Woosley v. Commonwealth, 293 S.W.2d 625, 626 (Ky. 1956)).

The Virginia Courts, in construing the term "vicinage", have not given that concept the limited scope suggested by the dicta in Howell. The Supreme Court of Appeals has held that "vicinage", as used in the Constitution, corresponds with the territorial jurisdiction of the Court in which the venue

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of the crime is laid (Newberry v. Commonwealth, 66 S.E. 2d 841, 843 (1951)). Under this concept, the Supreme Court of Appeals sustained the constitutionality of a statute giving Corporation Courts concurrent jurisdiction with the Circuit Courts over criminal offenses committed within one mile of a city (Karnes v. Commonwealth, 125 Va. 758, 99 S.E. 562 (1919)).

A more recent statute provides that where an offense is committed on the boundary of two counties, or within 300 yards thereof, the law enforcement officers may make the arrest, on either side of the boundary lines and the accused may be prosecuted and searched in either county (Va. Code §19.1-222). Although there is no reported case testing the constitutionality of this statute, it seems to be well within the doctrine enunciated in Newberry and Karnes. Here, as there, the statute establishes venue for offenses committed within a prescribed and limited distance beyond the boundary of the jurisdiction in which the trial court is located. This statute has been held applicable to information proceedings for the forfeiture of an automobile used in the illegal transportation of whiskey without any discussion of the constitutional question. (Commercial Credit Co. v. Commonwealth, 155 Va. 1033, 155 S.E. 689).

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District of Columbia

The Superior Court in the District of Columbia will soon have jurisdiction over all criminal cases involving both felonies and misdemeanors under any law applicable exclusively to the District of Columbia. The Superior Court is a local court, not a federal district court, which is significant as far as its application of the Sixth Amendment is concerned. The Sixth Amendment provision stating that the trials shall be in the state or district where the offense was committed would not be applicable. It would not appear, however, that this change in the status of the Superior Court would have any significance on the matter of venue, because the District of Columbia is a single jurisdiction.

Continuing Crime Statutes

The general rule is that a State, in order to protect its own citizens, may enact laws expressly making punishable offenses of a continuing nature. However, the rule is not uniform, and there is a conflict in authority whether one may be prosecuted in the State for a crime wholly, or partially committed in a sister State. In Virginia, there is a statute making certain crimes which are committed wholly or partially outside the State punishable in Virginia (Va. Code §19.1-220). That statute provides:

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"Offenses committed without and made punishable within the State and embezzlement committed within the State; where prosecuted. --Prosecution for offenses committed wholly or in part without and made punishable within this State may be in any county or corporation in which the offender is found or to which he is sent by any judge, justice, or court; and if any person shall commit larceny, embezzlement or robbery beyond the jurisdiction of this State and bring the stolen property into the same he shall be liable to prosecution and punishment for his offense in any county or corporation in which he may be found as if the same had been wholly committed therein; provided, that if any person shall commit embezzlement within this State he shall be liable to prosecution and punishment for his offense in the county or city in which the offense occurred or in the county or city in which he was legally obligated to deliver the embezzled funds or property."

This statute has been upheld in Lovelace v.

Commonwealth of Virginia, 205 Va., 541, 138 S.E.2d 253 (1964)

(auto theft in North Carolina and car brought into Virginia).

(See also, Howell v. Commonwealth, 46 S.E.2d 37 (1948) -

stolen property brought into State). There is no reported case dealing with the validity of the statute as it relates to the prosecution of offenses committed wholly without the State. Prudence suggests that this language should not be literally construed, but considered to apply only to those situations where the offense has some nexus in Virginia.

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Maryland does not have a comparable law for crimes committed partially outside its boundaries. However, in cases such as larceny, Maryland upholds the common law doctrine that a new larceny is committed within the state by bringing stolen property into the jurisdiction. Worthington v. State, 58 Md. 403 (1882); Gamble v. State, 234 A.2d 158, 160 (1967) (a safe containing stocks was originally taken in Pennsylvania and subsequently asportated to Maryland).

In the District of Columbia there are conflicting decisions relating to continuing crimes. In an early case it was held that one who stole a watch in Maryland and brought it into the District could be held guilty of larceny in D.C. U.S. v. Tolson, 1 Cranch 269 (1803). A subsequent case ruled that an indictment will not lie in D.C. against one who stole goods in a State and brought them into the District. Brown v. U.S., 35 App. D.C. 548 (1910). The basis of the Brown case is that the courts of one State will not execute the penal laws of another.

The laws of Virginia, Maryland, and the District of Columbia provide for jurisdiction in their courts where the initial acts occurred within its borders. (See Ryan v. U.S., 26 App.D.C. 74 (1905); Stout v. State of Maryland, 76 Md.

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317, 25A 299 (1892); Kelley v. State of Maryland, 181 Md. 642 31 A.2d 614 (1943); Covington v. Commonwealth of Virginia, 116 S.E. 462; Virginia Code §19.1-222; Art. 27 Md. Code §586).

Even though existing laws of the area jurisdictions are sparse, there appears to be no constitutional restrictions in the area for continuing crime type of statutes.

In Transitu Statutes

Maryland and several other States have statutes which provide in substance that trial of an offense committed on a train, bus, boat or airplane may be had in any county or city from, to, or through which the vehicle runs. (Maryland Code, Art. 27 §589). Although the Maryland Courts have not passed on the constitutionality of the statute, there would appear to be little doubt of its validity in light of Maryland decisions holding that the State Constitution does not require that the trial of an accused take place in the county where the crime was committed (See Kisner v. State, 122 A.2d, 102, 106 (1956)).

Virginia does not have an in transitu statute. It is not unreasonable to assume, however, that, on the basis of the flexibility which the Courts have imparted to the "vicinage" concept (Newberry v. Commonwealth, supra, and

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Karnes v. Commonwealth, supra) there would be no constitutional inhibition for an in transitu statute.

Extradition

As a consequence of the interstate character of the Transit Zone, it is to be expected that extradition proceedings will be necessary in order to bring many offenders to trial. Although the extradition procedure is relatively simple, experience in this area discloses that the time and costs involved in the proceedings discourage the enforcement of misdemeanors. Since it is to be expected that much of the Metro related crime will be misdemeanors, the extradition requirement has the potential for being the weak link in the Metro security program.

In view of the likely importance of this problem, a thorough research should be made to ascertain whether it would be legally possible to simplify the extradition procedures, particularly for misdemeanors. Another approach to minimizing the extradition problem would be to expand the coverage of the crimes comprehended within the continuing crime and in transitu crimes categories. A full research of this approach should be undertaken to determine its full potential.

Interstate extradition is governed by the Federal Constitution. Article 4, §2, Clause 2 of the Constitution provides:

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"A person charged in any State with Treason, Felony, or other Crime, who shall flee Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime."

Title 18, §3182 of the United States Code provides:

"Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District or Territory to which such person has fled, and produces a copy of any indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged."

Maryland and Virginia have adopted the Uniform Criminal Extradition Act (Maryland Code, Art. 41, §16; Code of Virginia, §19.1-49).

Interstate extradition is essentially a federal, and not a state, matter. However, the federal Constitutional and statutory provisions do not purport to preempt the

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entire field and state legislation is allowed, to the extent it is not inconsistent with the federal law. It may not impede the requirements in the federal law, 31 Am.Jur.2d Extradition, §5. The extradition provisions in all of the statutes are intended to provide a summary proceeding, by the use of which the closely associated states could properly aid one another in bringing to trial persons accused of crime in one state, but found in another. To this end the courts have given the statutes liberal construction in order to effectuate and expedite the administration of justice. Biddinger v. Commissioner of Police, 245 U.S. 128, 38 S.Ct. 31, 62 L.Ed. 193; Appleyard v. Massachusetts, 283 U.S. 222, 27 S.Ct. 122, 51 L.Ed. 161. The procedures of the State laws, however, are no less burdensome than the Federal law.

Mutual Aid Agreements

The laws of Maryland, Virginia, and the District of Columbia give each governing body in each jurisdiction authority to enter into reciprocal agreements with each other in order to carry into effect a plan to provide mutual aid through the furnishing of policemen and other agents (Title 1, D.C. Code, §820 et seq.; Art. 27, §602B of the Maryland Code; and Title 15.1, §131.1 of the Virginia Code.) There

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is a difference in the wording of the District of Columbia statute compared with Maryland and Virginia law. Virginia and Maryland law provides specific authority to enter into reciprocal agreements to provide mutual aid during emergencies. In the District of Columbia, the statutory language is broad and does not limit such agreements to emergencies. However, the Committee Reports make it clear that the only purpose for the act is to provide mutual aid when emergencies occur (See House Report No. 1911, Committee on the District of Columbia, 90th Cong. 2d Sess. (1968)).

Virginia has additional provisions which permit any county, city or town to enter into reciprocal agreements for "cooperation in furnishing police services" (Title 15.1 §131.3). Also, pursuant to Title 15.1, §159.7, the governing bodies of counties, cities and towns whose boundaries are contiguous may enter into agreements for mutual protection by the use of joint police forces.

It is significant that these statutes permit agreements between not only the state governments, but between the local governing bodies as well. However, only Virginia has a law permitting its counties to enter into a mutual aid agreement with a federal agency (Va. Code §15.1-131.4).

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In carrying out the mutual aid statutes, the laws of all the jurisdictions permit policemen to go or be sent beyond the territorial limits of their respective boundaries (Art. 26, §602(b) (a) of the Maryland Code; Title 15.1 D.C. Code, §131 and §131.1 of the Virginia Code; Title 1, §822 of the D.C. Code).

Although the scope of the existing laws on mutual aid agreements and use of joint police forces are rather limited, a full investigation should be made of the potential inherent in the mutual aid concept to ascertain whether the concept could be expanded to grant limited area - wide arrest powers to the police of each Political Subdivision for transit related offenses. Such an arrangement, if legally permissible, would minimize the extradition problem.

Security on Other
Transit Systems

There is set forth below a summary review of the legislative arrangements for security on several of the major transit systems in the country. Two of the most comprehensive laws providing for police security by public authorities are contained in the Delaware River Port Authority law (36 Purdon's Penna. Stats. Anno. §3504.1, New Jersey Stats. Anno. 32:4-6 to 32:4-9) and in the New York City Transit Authority Act (Public

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Authorities Law §1204). Being interstate, the Delaware Port Authority was created by a Compact.

Delaware River Port Authority

1. The Authority is authorized to have its own police force and to appoint policemen (Note: the statute does not distinguish between regular policemen and special policemen). Jurisdiction is limited to offenses committed on the properties or facilities of the Authority.

2. The policemen are authorized to arrest for any crimes, misdemeanors, and offenses committed under both the laws of New Jersey or Pennsylvania, for disorder or breach of the peace, or for violations of any regulation of the Authority.

3. Evasion or attempts to evade the payment of tolls, fares, or other charges are declared to be criminal offenses.

4. Upon apprehension or arrest the offender may be taken before a judicial officer of Pennsylvania or New Jersey without respect to the location of the crime on the properties over which the Authority has jurisdiction.

5. The Authority is given power to adopt rules and regulations and the Compact makes violation of such rules and regulations crimes.

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6. Anyone who violates the Act or any rule or regulation, or who evades payment of a toll shall, upon summary conviction, be sentenced to pay for the first offense a fine of (\$10) \$25, and in default of payment shall be imprisoned for ten days. The second and any subsequent offense carries a fine of (\$25) \$50, or thirty days in jail for failure to pay.

New York City Transit Authority

1. The Authority has authority to provide and maintain a uniformed police department and force.

2. The statute specifies in detail the specific duties of the policemen, such as to preserve the public peace, detect and arrest offenders, protect the rights of persons and property, enforce and prevent violation of all laws and ordinances, etc.

3. The policemen shall possess all the powers of a policeman of a city in the execution of criminal process.

4. The statute sets out the personnel structure of the police force, and sets forth the method of fixing compensation.

Chicago Metropolitan Transit Authority

1. The Authority is authorized to maintain such police force as necessary to aid and supplement the police

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forces of any municipality in the protection of its property and the protection of the persons and property of its passengers and employees.

2. The policemen shall have like powers as police of the cities.

Baltimore Metropolitan Transit Authority (Act
64B §8(n))

1. The Authority has power to contract for, or to provide and maintain a security force in which members shall be a peace officer.

2. These peace officers shall have the same powers as sheriffs, constables, police officers, and peace officers have in their respective jurisdictions.

3. The security force of the Authority does not oust the jurisdiction of the regular police force in the area.

New York Port Authority

1. The Authority is an interstate agency created by compact and operates bridges, tunnels, airports, marine facilities and the old Hudson and Manhattan transit facility between New York City and Newark, New Jersey.

2. Under the Compact, the Authority is authorized to appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties (65 Pt. 2 McKinneys

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Consolidated Laws of New York, Port of New York Authority Law §6415; Title 32.1-15, N.J. Stat. Annotated). There is no specific reference in the Compact to policemen.

It appears that provisions for a police force are made in separate legislation by each State.

3. The New Jersey statutes (Title 32:2-25) gives the "police force appointed by the port authority" power to arrest without warrant for violations of any order, rule or regulation of the authority relating to control of traffic on any bridge or tunnel, or approaches thereto, including but not limited to, payment of tolls. In addition, the members of the police force have the same powers as police officers or constables in the enforcement of laws of New Jersey and the apprehension of violations. In New York members of Authority Police force are defined as police officers. (11A McKinney's Code of Criminal Procedure §1.20(35) and (34), and they have the same power to arrest as any other police officer in the state (11A McKinney's Code of Criminal Procedure §140.10).

4. The Authority has power, without further consent or concurrence by either state, to prescribe, amend,

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modify or rescind penalties for violations within its territorial limits, and procedures for the enforcement of such penalties (65 Pt. 2 McKinney's Consolidated Laws of New York §6871).

Other mass transit authorities such as San Francisco Bay Area Rapid Transit Authority (BART), the Massachusetts Bay Transportation Authority, the Southeastern Pennsylvania Transportation Authority (SEPTA), and the Metropolitan Atlanta Rapid Transit Authority, do not have specific statutory provisions for police protection and police services are provided by the local jurisdictions.

LIABILITY OF WMATA FOR TORTS COMMITTED
BY POLICE

Section 80 of the Compact provides:

"80. The Authority shall be liable for its contracts and for its torts and those of its Directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this

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Title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the Zone of any immunity from suit."

The first issue to determine is whether the guard, watchman, or special policeman is an employee or agent of WMATA. Guards and watchman, while on duty would in most cases be considered an agent or employee where they commit a negligent act. A special policeman, even though not technically appointed by WMATA also would be agent of the Authority since such policemen would perform functions as directed by the WMATA's officials. Maryland expressly provides that a special policeman appointed by the Governor shall be deemed an employee of the governing body requesting the appointment (Art. 41, §67 of the Maryland Code).

The next problem, of course, is in distinguishing what is proprietary and what is governmental. Under recent decisions in the local jurisdictions, the distinction is not favored as a test for determining governmental liability.

As stated in Scully v. D.C., 102 U.S. App.D.C. 104, 50 F.2d 767 (1957):

"...the defense of governmental function to a complaint for negligence...is an obsolescent and dying doctrine [and]..."

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the attention of the Congress might well be directed to it." (96 U.S. App.D.C. 364, 226 F.2d 268)

Subsequent cases have abolished the doctrine for all practical purposes. Spencer v. General Hospital of D.C., 425 F.2d 479 (1969); Carter v. Carlson, 447 F.2d 358 (1971) (assault by policeman).

The concurring opinion by Judge Prettyman in Spencer v. General Hospital of D.C., supra, closely expresses the judicial attitude:

"Drawing on two recent cases, the court discerned a shift from a 'governmental-proprietary' to a 'discretionary-ministerial' distinction. Where the previous distinction had rested on a vertical classification of broad areas of activity - education, sanitation, care of the sick, etc. - as a 'governmental' or 'proprietary', the new distinction was a horizontal one which cut across these broad areas, and looked with more particularly at the act or omission complained of as negligent. Where the injury proximately resulted from a deliberate choice in the formulation of official policy, characterized by a high 'degree of discretion and judgment involved in the particular governmental act, immunity would remain. To inquire into such decisions in a tort suit might 'jeopardiz[e] the quality and efficiency of government itself,' and endanger the creative exercise of political discretion and judgment through' the inhibiting influence of potential legal liability asserted with the advantage of hindsight'. On the other hand, where the injury was inflicted by negligent official acts or

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omissions other than in the formulation of public policy - 'ministerial acts' - liability could be asserted. Thus in 'the execution of policy as distinct from its formulation', the District of Columbia could be held to the duty of reasonable care which the courts had long enforced against individuals and private associations." (425 F.2d at 488-489)

Of course, it may be argued that Section 80 of the Compact specifically limits the inquiry of the Court to whether the tort occurred in the performance of a "governmental function". Traditionally, maintaining a police department is considered a governmental function. Nevertheless, this did not prevent the District of Columbia Court from imposing liability where a police dog attacked a suspected housebreaker. Harbin v. District of Columbia, 336 F.2d 950 (1964).

Another question involving the scope of immunity afforded by Section 80 of the Compact is in the area of intentional acts committed by police. The general rule is that the same criteria is applied to intentional torts as those which are negligent in character. See Baker v. Washington, et al., 448 F.2d 1200 (1971) (assault by prison guard). Of course the language of §80 of the Compact is broad and uses the term "any torts", and probably is sufficient to encompass intentional acts. It is doubtful, however, that this

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provision would provide immunity for acts committed by employees which are beyond the scope of employment.

APPENDIX C

DELAWARE RIVER PORT AUTHORITY
(PATCO REGULATIONS)

¹⁹⁷⁰
PA. LAWS ACT # 238

Printer's No. 130

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No.

110

Session of
1969INTRODUCED BY MESSRS. J. H. HAMILTON AND WORRILOW,
FEBRUARY 3, 1969

REFERRED TO COMMITTEE ON LAW AND ORDER, FEBRUARY 3, 1969

AN ACT

Amending the act of April 12, 1957 (P. L. 61), entitled "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen; make rules and regulations for the prevention of disorder, the preservation of safety, and the conservation of traffic on such bridges and in such tunnels and approaches thereto as the commission does or may hereafter operate; to prevent the evasion of the payment of tolls; and providing a penalty for the violation of any such rules or regulations or for the evasion or the attempt to evade the payment of tolls," granting to wholly-owned subsidiary corporations of the Delaware River Port Authority the power and authority to appoint police, extending the jurisdiction of police to any rapid transit system, ferry and other facility and property of the Delaware River Port Authority, and its wholly-owned subsidiary corporations, making the passing of toll or fare collection points without payment of tolls, fares or charges an evasion subjecting the offender to arrest and fixing penalties therefor, extending the power of the Delaware River Port Authority to adopt rules and regulations for the proper government of its bridges and tunnels to other facilities and property of the Delaware River Port Authority, granting to wholly-owned subsidiary corporations of the Delaware River Port Authority the power and authority to adopt rules and regulations for the proper government of their rapid transit systems, ferries and other of their facilities and property, and providing that violation of such rules and regulations shall be an offense subjecting the offender to arrest and the payment of fine or imprisonment.

- 1 THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA HEREBY
- 2 ENACTS AS FOLLOWS:
- 3 Section 1. Section 1, act of April 12, 1957 (P. L. 61), entitled "An act au-
- 4 thorizing and empowering the Delaware River Port Authority, a body corporate and
- 5 politic, functioning under the legislation enacted by the Commonwealth of Pennsyl-
- 6 vania and the State of New Jersey, and the express consent of the Congress of the

1 United States, to appoint policemen; make rules and regulations for the prevention of
 2 disorder, the preservation of safety, and the conservation of traffic on such bridges and
 3 in such tunnels and approaches thereto as the commission does or may hereafter operate;
 4 to prevent the evasion of the payment of tolls; and providing a penalty for the violation
 5 of any such rules or regulations or for the evasion or the attempt to evade the payment
 6 of tolls," is amended to read:

7 Section 1. The Delaware River Port Authority, a body corporate and politic,
 8 functioning under the legislation enacted by the Commonwealth of Pennsylvania and
 9 the State of New Jersey, and the express consent of the Congress of the United States,
 10 and its wholly-owned subsidiary corporations through which it is effectuating its au-
 11 thorized purposes, shall have the power and authority [conferred upon it] to appoint
 12 the number of policemen as is found necessary to keep in safety and preserve order upon
 13 the bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries,
 14 facilities and other property as the [commission] Delaware River Port Authority or such
 15 subsidiary corporations does or may hereafter own, lease or operate; to administer to
 16 such policemen an oath or affirmation faithfully to perform the duties of their respective
 17 positions or offices; and to provide for the payment of such policemen from the tolls,
 18 fares, charges and other revenue of the [commission] Delaware River Port Authority or
 19 such subsidiary corporations. The policemen so appointed shall have the power and au-
 20 thority to make arrests for any crimes, misdemeanors, and offenses [of any character]
 21 committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania
 22 upon the bridges, or within the tunnels [and] or approaches thereto, on the rapid transit
 23 systems, ferries, facilities or other property, for disorder or breach of the peace, [and]
 24 or for violations of any lawful regulation which may be adopted by the Delaware River
 25 Port Authority, or such subsidiary corporations. The policemen shall be authorized and
 26 empowered to make arrests for evasion or attempts to evade the payment of tolls, fares or
 27 other charges which may be fixed or may have been fixed [for passage over the bridges
 28 or through the tunnels and approaches thereto] for the use of such bridge, tunnel, rapid
 29 transit system, or ferry, facility or other property.

1 To pass over any part of the bridges or through the tunnels and approaches thereto
 2 in any vehicle for which tolls are collectible, or for any person or vehicle to use the rapid
 3 transit systems or ferries or other facilities or property without passing through the toll
 4 gates or paying the necessary tolls, fares or charges constitutes an evasion and shall
 5 subject the person so evading or attempting to evade the payment of tolls, fares or charges
 6 to arrest. Upon the apprehension or arrest of any person or persons for any of the foregoing
 7 reasons, the offender may be taken before any [magistrate of the city and county of Phila-
 8 delphia or any] proper judicial officer of the Commonwealth of Pennsylvania or of the
 9 State of New Jersey without respect to the portion of the bridge, [or tunnel, and ap-
 10 proaches thereto] tunnel, ferry facility, rapid transit system, facilities or other property
 11 upon or within which such offense may have been committed or attempted or such offender
 12 arrested, and thereupon such [magistrate or] judicial officer shall have power and au-
 13 thority to punish the offender as hereinafter provided. The Delaware River Port Authority,
 14 and its wholly-owned subsidiary corporations through which it is effectuating its authorized
 15 purposes shall have the power to adopt such rules and regulations as [it may] they may
 16 respectively deem expedient for the proper government of the bridges, [or] tunnels,
 17 [and] approaches thereto, rapid transit systems, ferries, facilities or other property and
 18 for the preservation of good order, safe traffic, and proper conduct thereon or therein.

19 Any person violating any of the provisions of this act, or of any rule or regulation
 20 adopted by the Delaware River Port Authority, or its said subsidiary corporations, or who
 21 evades or attempts to evade payment of tolls, fares or charges shall, upon summary con-
 22 viction before a [magistrate] proper judicial officer of this Commonwealth, or of a
 23 [comparable] proper judicial officer of the State of New Jersey, be sentenced to pay
 24 a fine of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25), and
 25 costs of prosecution, and in default of the payment thereof, shall undergo imprisonment
 26 for not less than ten days nor more than thirty days, and upon conviction of any subsequent
 27 offense, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25), nor
 28 more than fifty dollars (\$50), and costs of prosecution, or to undergo imprisonment for
 29 not less than thirty days nor more than sixty days.

1 Section 2. The powers vested by this act in the Delaware River Port Authority,
2 and its subsidiary corporations, shall be construed as being in addition to and not in
3 diminution of the powers heretofore vested in the Delaware River Port Authority, and
4 its subsidiary corporations.

5 Section 3. All acts and parts of acts are repealed in so far as they are inconsistent
6 herewith.

7 Section 4. This act shall take effect upon the enactment into law by the State of
8 New Jersey of legislation having a substantially similar effect as this act, but if the
9 State of New Jersey shall have already enacted such legislation, this act shall take
10 effect immediately.

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