



GEORGE GASCÓN
LOS ANGELES COUNTY DISTRICT ATTORNEY

HALL OF JUSTICE
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January 21, 2022

Adrian Guerrero
General Director – Public Affairs
Union Pacific Railroad Company
9451 Atkinson Road
Roseville, CA 95747

RE: Union Pacific Letter Regarding Train Theft and Safety Concerns

Dear Mr. Guerrero,

Thank you for reaching out regarding your concerns about the safety of the Union Pacific (UP) rail system. My Office is committed to working with our law enforcement partners and supporting efforts to ensure our collective safety. I want to stress that every case presented to our Office, including each case from your organization, is given an individualized review and the decision to file, divert, or decline a case is based on the particular facts presented at the time of filing.

In response to your letter, we conducted a thorough review of cases submitted for filing consideration over the last three years in which UP is listed as a victim. In order to appropriately respond to your concerns, we wanted to know the actual data behind your claims, so we can address the issues. Here are the numbers: In 2019, 78 cases were presented for filing. In 2020, 56 cases were presented for filing. And in a sharp decline, in 2021, 47 such cases were presented for filing consideration, and over 55% were filed by my Office. The charges filed included both felony and misdemeanor offenses alleging burglary, theft, and receiving stolen property. Of the 20 cases that were declined for filing, 10 were not filed due to the insufficiency of the evidence presented to prove the case beyond a reasonable doubt, which is our ethical standard to file a criminal case. The other 10 declined matters involved offenses such as allegations of unhoused individuals within 20 feet of the railroad tracks and simple possession of drugs for personal use—not allegations of burglary, theft, or tampering. Although homelessness is a serious issue, it is not one that we can fix through expending resources of the criminal legal system.

To be clear, felony and misdemeanor cases *are* filed where our Office is presented with enough evidence to prove that a crime was committed. We understand how vital the rail system is to Los Angeles County and the entire nation and want to work with you in a productive manner to ensure that those who tamper with or steal from UP are held accountable. As more Americans engage in e-commerce and rely on our transportation infrastructure to receive goods, it is

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important that our work to ensure the safety of this system is collaborative. Part of this collaboration involves taking preventative steps to ensure that cargo containers are secure or locked. Furthermore, UP has its own law enforcement officers who are responsible for patrolling and keeping areas safe. However, according to LAPD Deputy Chief Al Labrada, UP does little to secure or lock trains and has significantly decreased law enforcement staffing. It is very telling that other major railroad operations in the area are not facing the same level of theft at their facilities as UP. We can ensure that appropriate cases are filed and prosecuted; however, my Office is not tasked with keeping your sites secure and the District Attorney alone cannot solve the major issues facing your organization.

We take your concerns seriously and will continue to work with you and all our law enforcement partners on these critical issues. I invite you to work with our Law Enforcement Liaison, Jorge Rodriguez (jorodriguez@da.lacounty.gov), when issues arise in filing or when your organization needs clarification on our policies.

The public deserves honesty and transparency regarding the important work the District Attorney's Office does each day to ensure public safety, including the vast network of railways that run through our County. I look forward to continuing this dialogue with Union Pacific.

Sincerely,

A handwritten signature in black ink, appearing to read "George Gascón". The signature is fluid and cursive, with a long, sweeping underline.

George Gascón
District Attorney