

# KING COUNTY METRO FARE ENFORCEMENT STANDARD OPERATING PROCEDURES

## SOP-TS 102-03 Issuing Warnings PAGE 1 of 4

Effective: 01/15/2015

Supersedes: All previous Fare Enforcement Manuals

Issuing Office: KING COUNTY METRO TRANSIT SECURITY DIVISION

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### FARE ENFORCEMENT SOP: ISSUING WARNINGS

#### 1.0 PURPOSE:

This directive establishes the Standard Operating Procedure to be used by the Fare Enforcement Division of King County Metro (KCM) in Issuing Warnings to KCM customers who fail to provide valid Proof of Payment upon request. This SOP defines the circumstances in which a Warning vs. Notice of Infraction will be issued. This directive also outlines the required documentation of any Warning given.

#### 2.0 SCOPE:

This directive applies to all King County Metro Fare Enforcement Officers.

#### 3.0 DEFINITIONS:

- a. **ENFP** - Excused, No Fare Paid
- b. **FEO** - Fare Enforcement Officer
- c. **Fare Evader** – A passenger without valid fare
- d. **Fare Media** - Physical evidence of valid fare
- e. **Fare Box** – Onboard payment station
- f. **KCM** - King County Metro
- g. **ORCA Reader** – ORCA card verifier (street-side or onboard)
- h. **ID** – Identification

#### 4.0 AUTHORITY:

RCW 35.58.585 authorizes King County Metro to designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer. This grants Fare Enforcement Officers the authority to issue infractions to fare evaders under RCW 35.58.580.

#### 5.0 POLICY:

It is the policy of King County Metro to treat every passenger with respect and dignity, including those passengers without valid fare. The success of the Fare Enforcement Program is dependent upon a fair and consistent approach by all Fare Enforcement Officers when issuing warnings, interacting with the public and potential fare evaders. FEOs will not discriminate based on age, race, religion, gender, physical disability or economic status.

#### 6.0 DIFFERENTIATING INTENTIONAL FROM UNINTENTIONAL FARE EVADERS:

It is necessary to differentiate between fare evaders and passengers that may not be intentionally evading fare. There are many reasonable explanations as to why a passenger may not have valid fare or is unable to provide proof of payment. Below is a list of reasons a passenger may or may not be intentionally evading to pay fare. This list is not all inclusive.

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a. Unintentional Failure To Pay Fare Examples

- i. The Fare Box or ORCA readers were malfunctioning at the time they boarded.
- ii. The passenger did not understand the pay upon entry policy.
- iii. The passenger is a visitor from out of town.
- iv. It is the passenger's first time using the transit service.
- v. The passenger failed to accept a transfer from the bus driver but paid valid fare – only when the driver corroborates the passenger's claim. (The FEO should escort the potential fare evader up to the driver when investigating the potential fare evader's claim that they did not take a transfer but paid proper fare.)
- vi. The passenger was given inaccurate information by someone that they assumed to be a reputable source.
- vii. The passenger did not understand the "tap" procedure.
- viii. Other reasons where it is obvious that the passenger was not intentionally evading fare.

b. Intentional Fare Evasion:

- i. The passenger presents altered or forged fare media.
- ii. The passenger pays a youth fare and attempts to deceive the FEO about their age.
- iii. The passenger presents nontransferable fare media that has obviously not been issued to them but claims that it was.
- iv. The passenger has a history of Failure to Pay or not Presenting Valid Fare.
- v. Failure to cooperate with FEOs (lying or attempting to deceive and refusing to comply with instructions or present identification).
- vi. Passenger presents invalid fare media and it is obvious the passenger understands the system.
- vii. Passenger presents expired fare media.
- viii. Other reasons where it is obvious that the passenger understands the fare system and by their actions it is obvious they are intentionally evading fare.

**As a general rule**, it is assumed that a passenger is not intentionally evading fare until the facts of the situation establish otherwise. These facts will be determined by the passenger's statement, behavior and follow-up investigation. Follow-up investigation is a crucial element to all fare violation contacts. Follow-up investigation includes, but is not limited to; verifying claims of malfunctioning equipment; checking the Infraction/Warning Log for a history of fare violations; and determining if the passenger is educated on the use of King County Metro fare media and equipment.

**Note:** *It is typically indicative of someone unwilling to take responsibility for their actions to appear deceptive during the identification/interview process, but this by itself does not prove intent to commit a fare violation.*

**7.0 CONTACTING A PASSENGER FOR FARE:**

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- a. Determine if the passenger has valid fare
  - i. If the passenger has valid fare, break contact and resume duties.
  - ii. If the passenger does not have valid fare, follow steps (b.), (c.), and (d.) below (as applicable).
- b. Determine why the passenger does not have valid fare.
  - i. If the passenger has a legitimate reason for not having valid fare due to an issue regarding King County Metro ORCA readers or Fare Box, this passenger will not be cited or entered into the Warning Log. Disregard steps (c.) and (d.) below.
  - ii. If the passenger does not provide a reason for not having proper proof of payment, as listed above, but has an explanation that the FEO deems to be reasonable, the FEO will obtain the Name, Date of Birth and a photograph of the passenger and then continue with their duties.
  - iii. If the passenger does not have a legitimate reason for not having valid fare, continue to steps (c.) and (d.) below.
- c. Identify the passenger – This can be accomplished on the coach or on the facility upon exit.
  - i. To properly identify a passenger the FEO needs to document their first, last and middle name; date of birth; physical attributes (*i.e. sex, race, height, weight, eye color and hair color*); and current address.
  - ii. In the event that a passenger provides an identification card, it is recommended that the FEO maintain control of their identification until the contact is complete. The fare evader is less likely to flee if you are in possession of their identification card.
  - iii. State or Federal picture identification cards are ideal, but not always available. If the passenger provides the FEO with their identifying information and has evidence to corroborate that information (*i.e. a library card, a phone bill, etc.*) the FEO may choose to accept the information that they have provided as valid. **NEVER photograph or record a passenger's credit card /credit card number or Social Security card/Social Security card number.**
  - iv. If the passenger is unable or unwilling to present identification or show evidence of their identity, the FEO will confirm their identity by contacting the KCSO Regional Communication Center for verification.
- d. Conduct the following steps to determine if the passenger will be receiving a Warning, Notice of Infraction, or charges forwarded.
  - i. Once the evader's identity has been verified either by ID or the KCSO Regional Communication Center, the FEO will contact KCM's Security Monitoring Center to request contact history. This information will be used to determine what action to take.
  - ii. If the passenger has no prior record of being contacted, the FEO will inform the passenger that if they will be given a warning.
- e. **Every passenger contact that involves a fare violation will result in a warning, an infraction or theft of services charge. (See: SOP-TS 102-05 Multiple Infraction Evaders)**

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**8.0 ENTERING A WARNING IN THE WARNING LOG:**

- a. Fill out the warning card in the field with the appropriate information.
- b. Record the warning contact information in the Warning Log in the office.
- c. When using abbreviations follow the format below:
  - Violators Last:** Doe
  - Violators First:** John
  - Violators MI:** B (not full middle name)
  - Violators DOB:** 01/01/01
  - Officer ID #:** last name
  - Date Issued:** 06/11/10
  - Time:** 0952 (24 hour time)
  - Location:** Where you exited the coach to conduct your interview.
  - Direction:** NB, SB, EB, or WB
  - J/A:** J or A (Juvenile or Adult)
  - Race:** A, B, N, I, O, W (Asian, Black, Native, Indian, Other, White)
  - Gender:** M or F (Male of Female)
- d. A detailed narrative will be attached.
- e. Picture of the violator (ID photo or real time photo)
- f. All contacts (Warning, Infractions, Misdemeanors, ENFPs) for the day will be entered into the contact log during the FEOs administrative time.

**9.0 REVIEW:**

The KCM Contract Security Coordinator or Delegate will ensure all Directives, Policies, and Procedures are reviewed at least annually to ensure compliance with King County Metro Security Division policy. Directives, Policies, and Procedures will be updated immediately if division procedure changes or when a facility adds or deletes post positions or procedures and duties.

**10.0 SUPERSESSSION:** All previous Fare Enforcement Manuals

**11.0 EFFECTIVE DATE:** 01/05/2015

ISSUING AUTHORITY

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