

KING COUNTY METRO FARE ENFORCEMENT STANDARD OPERATING PROCEDURES

SOP-TS 102-04 Writing and Issuing Infractions PAGE 1 of 6

Effective: 01/15/2015

Supersedes: All previous Fare Enforcement Manuals

Issuing Office: KING COUNTY METRO TRANSIT SECURITY DIVISION

FARE ENFORCEMENT SOP: WRITING AND ISSUING INFRACTIONS

1.0 PURPOSE:

This directive establishes the Standard Operating Procedure for Writing and Issuing Infractions by the Fare Enforcement Division of King County Metro. This SOP defines the circumstances in which a Notice of Infraction vs. a Warning will be issued to customers without valid Proof of Payment. This directive also outlines the required documentation of any Notice of Infraction.

2.0 SCOPE:

This directive applies to all King County Metro Fare Enforcement Officers that are Securitas Employees contracted to King County Metro.

3.0 DEFINITIONS:

- a. **Defendant** – Person that committed the violation
- b. **ID** – Identification
- c. **Fare Box** – Onboard payment station
- d. **Fare Evader** – A passenger without valid fare
- e. **Fare Media** - Physical evidence of valid fare
- f. **FEO** - Fare Enforcement Officer
- g. **KCM** - King County Metro
- h. **ORCA Reader** – ORCA card equipment used by customers to tap their ORCA cards before boarding (at selected bus stops/shelters) or onboard coaches.
- i. **POP** - Proof of Payment
- j. **Station** – Any stop, shelter and/or facility in which the Rapid Ride system embarks/disembarks passengers.

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 Proof of Payment (POP). The success of the Fare Enforcement Program is dependent upon a fair and consistent approach by all Fare Enforcement Officers when issuing infractions, 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

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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.

- 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 Examples
 - 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.

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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

- 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 (*e.g. 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 (*e.g. 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.

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- 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)***

8.0 WRITING INFRACTIONS

- a. Infractions will be completed in the field unless there are extenuating circumstances.
- b. Infractions will be neat, accurate and legible.
 - i. Accuracy and neatness reflect on the FEO who writes the infraction as well as on King County Metro. Mistakes and omissions of information may result in the rejection or dismissal of the infraction by the court.
 - ii. All infractions will be written in capital block letters.
- c. When writing an infraction, careful attention should be given to providing all of the necessary information that was gathered as the infraction becomes a court document.
- d. Select the proper County and Court.
 - i. Select the County in which the violation took place.
 - ii. If the defendant is a minor under sixteen years old, add the words "Juvenile" to the top right of the infraction next to the County check boxes.
 - iii. If the defendant is a minor sixteen or seventeen years of age, add the words "Shoreline" to the top right of the infraction next to the county check boxes.
- e. Complete the infraction with all of the applicable information that you gathered.
 - i. Fill in all of the pertinent information that identifies the location of the violation.
- f. The motor vehicle section of the infraction will be left blank.
- g. Select the proper violation in the violation portion of the infraction.
 - i. RCW 35.58.580(2)(a) Failure to Pay Fare, would be utilized if the passenger presented fraudulent fare, incorrect or invalid fare, attempted to use valid fare fraudulently or simply had no fare. Check the box and write in the violation. Example: Failure to pay fare.
 - ii. RCW 35.58.580(2)(b) Failure to Display Proof of Payment, would be utilized if the passenger failed to tap an ORCA Card or refused to present proof of valid fare. (e.g. they are uncooperative after you have them exit the coach but then display fare after the police arrive). Check the box and write in the violation. Example: Failure to display proof of payment.
 - iii. RCW 35.58.580(2)(c) Failure to depart the bus or other mode of public transportation, would be used when a fare evader continuously declines to exit the coach or has to be removed by Police.
- h. If the infraction is not issued to the violator in the field and will instead be mailed by the court to the violator, the portion of the infraction labeled "Sent to Court for Mailing" will be selected.
- i. When the infraction is mailed, the "Date issued" will always be left blank. It is filled in by the court.

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- j. If the infraction is served to the violator in the field, the portion of the infraction labeled “Served on Violator” will be selected.
- k. When the infraction is issued in the field, the “Date Issued” will be filled out prior to serving the infraction to the violator.
- l. The FEO will sign in the top officer block. If with a trainee, the trainee will sign in the top officer block while the Field Training Officer will sign in the bottom annotating they are a Field Training Officer.
- m. The infraction portion at the bottom of the infraction will be left blank.
- n. The Officer Narrative located on the back of the white copy of the infraction may be hand written, typed, or on an affidavit template.
 - i. In most cases, FEOs will utilize the affidavit for the fare evasion contact narrative.
 - (1) All important and relevant facts must be included and descriptive on the affidavit.
 - (2) If the fare evasion contact resulted in an incident that requires more details than the affidavit provides, the FEO will type their narrative accordingly.
 - (3) If the FEO types the narrative, it will include the perjury statement the same as the white copy narrative section. The attached document will also include: Signature, Badge Number, Date and Place.
 - (4) In any method selected above, the FEO will also sign and complete the perjury statement on the back of the white copy of the infraction.
 - ii. The witness portion at the bottom of the infraction is to be completed only when a law enforcement officer or other FEO chooses to act as a witness to the events leading up to the infraction.
 - iii. Two copies of the narrative, confiscated fare media and any other evidence are to be included with the infraction.
 - (1) If the infraction was issued in the field, it will be completed and turned into the field infraction box in the Fare Enforcement Office on the day it was issued.
 - (2) If the infraction was not issued in the field, it will be completed within two working days and turned into the FEO's respective Supervisor's in box.
 - iv. If the infraction is returned to the FEO by the Supervisor or delegate for additional information or editing, complete the directed corrections and re-submit.
 - v. The FEO must initial any corrections made on the infraction. If an infraction requires multiple changes, it should be voided and re-issued.
 - vi. If an infraction is to be voided by the FEO, all four copies must be together. A diagonal line will be drawn across the face of the infraction and initialed. An Incident Report (IR) must be completed with the reason for the voided infraction. The IR and the infraction will be submitted to the supervisor/manager. Each voided infraction will accompany its own IR.
 - vii. If an FEO is determined to be unable to correctly fill out the infraction and all other required documents pertaining to the infraction, their privilege to write infractions in the field may be revoked.

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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 SUPERSESSON: All previous Fare Enforcement Manuals

11.0 EFFECTIVE DATE: 01/15/2015

ISSUING AUTHORITY

Gail Israelson
KCM Contract Security Coordinator