

KING COUNTY METRO FARE ENFORCEMENT STANDARD OPERATING PROCEDURES

SOP-TS 102-05 Filing a Misdemeanor Fare Evasion or Theft 3rd Case Page 1 of 5

Effective: 01/15/2015

Supersedes: All previous Fare Enforcement Manuals

Issuing Office: KING COUNTY METRO TRANSIT SECURITY DIVISION

FARE ENFORCEMENT SOP: FILING A MISDEMEANOR FARE EVASION CASE

1.0 PURPOSE:

This directive establishes the Standard Operating Procedure for the King County Metro Fare Enforcement Division to request that a misdemeanor fare evasion case be filed with the King County Prosecutor's Office.

2.0 SCOPE:

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

3.0 DEFINITIONS:

- a. **FEO** - Fare Enforcement Officer
- b. **Filing Officer**- Designated and appointed by the Fare Enforcement Manager and Account Manager to review and submit misdemeanor fare evasion requests to King County MTP for investigation
- c. **KCC** – King County Code
- d. **KCM** - King County Metro
- e. **MTP** - Metro Transit Police
- f. **Misdemeanor Fare Evasion** – Clear and habitual evasion of required fare payment within a twelve consecutive month period
- g. **TCC** - Transit Control Center
- h. **RCW** – Revised Code of Washington
- i. **SMC** – Security Monitoring Center

4.0 AUTHORITY:

RCW 35.58.590 and KCC 28.96.010.B.13 authorizes a law enforcement officer to prosecute for criminal theft or fare evasion any individual who fails to pay the required fare on more than one occasion within a twelve consecutive month period. The misdemeanor criminal investigation must be completed by a law enforcement officer who will in turn submit a confirmed case to the King County Prosecutor's Officer requesting that criminal charges be filed. FEOs do not have the authority to file criminal charges.

RCW 9A.56.020 defines the meaning of "Theft" as wrongfully obtaining or exerting unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services.

RCW 9A.56.050 translates "theft in the third degree" as property or services that do not exceed seven hundred fifty dollars in value. Theft in the third degree is a gross misdemeanor.

5.0 POLICY:

It is the policy of King County Metro that a misdemeanor fare evasion case be filed with the King County Prosecutor's Office for any patron who has been issued two Notices of Infraction with findings of "committed" and found to be without valid fare a third time within a twelve consecutive month period.

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6.0 MISDEMEANOR CHARGES RELATED TO FARE EVASION:

- a. There are two type of charges normally used when filing fare evader cases.
 - i. Theft in the Third Degree - RCW 9A.56.050 is a Gross Misdemeanor.
 - ii. Fare Evasion - KCC 29.96.010.B.13 is a Misdemeanor
- b. Both are criminal acts which could result in either a fine and/or jail if convicted.

7.0 REQUIREMENTS FOR REQUESTING THE FILING OF A MISDEMEANOR CASE:

The King County Prosecutor's Filing Standards require that before an individual may be prosecuted criminally for either theft or fare evasion, he/she must first have been issued two Notices of Infractions for fare evasion within that twelve consecutive month period and those infractions must have received finding of "committed".

Theft in the third degree is a criminal complaint. The burden of proof is "beyond a reasonable doubt" standard. A Civil Infraction has a lesser burden of proof. Only a "preponderance of evidence" is required. The narrative must articulate the evidence so any person reading the report would draw the same conclusion, that this subject, beyond a reasonable doubt, evaded fare on numerous occasions in a twelve (12) month period.

Criminal filings must be submitted to the Prosecutor's Office by commissioned law enforcement officers only. The usual practice is that the FEO reports documenting a third or subsequent fare evasion within the twelve consecutive month period are forwarded, along with the documentation for the first two Notices of Infraction, to the assigned MTP Detective for review and filing. This documentation must establish all of the elements of the crime of theft/fare evasion beyond a reasonable doubt.

8.0 PROCESS FOR REQUESTING THE FILING OF A MISDEMEANOR CASE:

- a. Determine if the fare evader has a history of prior contacts.
 - i. The FEO will normally contact the KCM SMC and request that they check the *KCM Fare Enforcement Warning/Infraction/Misdemeanor Fare Evasion Log* for history of any prior contacts with the evader.
 - ii. This is normally done in the field prior to the FEO breaking contact with the evader.
- b. If the fare evader has a history of two or more Notices of Infractions for fare evasion within that twelve consecutive month period and those infractions have received findings of "committed", the FEO will not issue an Infraction in the field but will instead inform the evader that he/she will be receiving documentation from the King County court system in the mail.
- d. When the FEO returns to the office, he/she will personally verify the prior contact information in the *KCM Fare Enforcement Warning/Infraction/Misdemeanor Fare Evasion Log*.
- e. If the FEO determines that the evasion does not meet the requirement for a misdemeanor statement, he/she will either log the contact as a Warning or issue another Notice of Infraction via mail (as appropriate).

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- f. If the evasion meets the requirement for a misdemeanor statement, the FEO will compose a Misdemeanor Fare Evasion or Theft 3rd Statement (see attached) and forward it along with any evidentiary documentation to their Supervisor for review and processing.
 - i. The narrative will identify the current violation.
 - ii. Outline the current two committed Notices of Infraction.
 - iii. All evidence gathered from the previous Warnings and Notices of Infraction will be compiled with the evidence of the current violation in chronological order. All of the subject's behavior and language will be noted in detail.
 - iv. All original forms of evidence will be included in the misdemeanor statement upon submission.
 - (1) FEOs will make copies of all original evidence prior to submitting their Supervisor.
- g. The Supervisor will review the package for accuracy and completeness and then turn it over to the Filing Officer for processing.
- h. The Filing Officer will submit the completed package relating to the fare evasion case to KCM MTP for investigation and subsequent filing with King County Prosecutor's Office.

10.0 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.

11.0 SUPERSESSON: All previous Fare Enforcement Manuals

12.0 EFFECTIVE DATE: 1/15/2015

ISSUING AUTHORITY

Gail Israelson
KCM Contract Security Coordinator

Effective: 01/15/2015

Supersedes: All previous Fare Enforcement Manuals

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13.0 ATTACHMENT:

**King County Metro Fare Enforcement
Misdemeanor Fare Evasion Statement**

KC Metro Police Case #	13-12345
Subject Name:	Harrison, John L.
KCM Fare Enforcement Incident #	13-0401153512
Citation #	MT12345
SFD Run #	N/A

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I, John Doe, am employed as a Fare Enforcement Officer for King County Metro.

On 06-26-2011, at approximately 1638 hours, I was in full uniform, and conducting a fare inspection on the Rapid Ride A-Line, coach #2002, while traveling northbound from 240th St. I announced to passengers that I would be coming through the coach to conduct a fare inspection. At that time, I instructed all passengers to present proof of payment

While inspecting fares, I contacted an Other/Male/Adult, who presented an expired King County Metro Bus transfer that was green in color and bared the letter M on the front. The valid transfer for this day was black in color with a letter X marking. I informed the subject that the transfer he had presented was expired and is not considered valid fare. I then offered to give him additional time to search his pockets and/or backpack for the correct transfer. At which time, the subject responded with, "No man, this is what the driver gave me... it's all I got." I then requested the subject to present identification. The subject presented a Washington State Identification card that closely matched his physical description, and which identified him as JOHN L HARRISON (DOB: 00-00-0000). I then requested that HARRISON exit the coach with me at 240th Street and Pacific Hwy; HARRISON complied. I recorded Harrison's information and captured a photo of his identification with my issued digital camera.

I checked HARRISON's information with King County Metro Security Monitoring Center and was advised that he was listed in the King County Metro Fare Enforcement Warning/Citation Log as documented in the Additional Information section below. I asked HARRISON why he had produced the expired transfer. Harrison stated the reason he presented the expired transfer was because he did not have enough money to pay for his ride. I asked HARRISON if, during his current trip, the bus driver handed him the same transfer he presented to me. HARRISON replied with, "Like I just told you... no! I used an old one because I didn't have enough money to pay for the bus ride!" I advised HARRISON that based on his extensive fare violation history he may be contacted by the King County Metro Police regarding additional charges.

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I then informed HARRISON that if he wanted to continue to ride the Rapid Ride bus, he would have to purchase valid fare. HARRISON flipped me off while walking away. I then broke contact with HARRISON and resumed my duties.

I have composed this statement to be forwarded to the King County Sheriff's Office (King County Metro Division) to pursue possible criminal charges.

Additional Information

Previous Citations (Fare Violations)					
Citation #	Officer	Date of Infraction	Time of Infraction	Location	Direction
MT06245	C. Martian	06-06-12	0954	A – LINE / 240 th	SB
MT06259	P. Como	06-20-12	0519	A – LINE / 216 th	NB

Witness		
Name	Badge Number	Signature
FEO John Smith <i>(Print)</i>	01234	<i>(Sign)</i>

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE. I WILL ASSIST IN THE FULL PROSECUTION OF THIS INCIDENT IN ANY WAY POSSIBLE.

Reporting Officer:	John Doe	
Signature:		Badge Number: 01111
Date and Place:	06-26-2012	Seattle WA, King County