

## **SECURITY/FARE ENFORCEMENT SOP: USE OF FORCE**

### **1.0 PURPOSE**

This directive establishes the Standard Operating Procedure for any Use of Force incident involving Security and Fare Enforcement Officers, assigned to the KC Metro Transit Security Division, while carrying out their assigned duties. It defines the limitations of Use of Force by these Officers based on KC Metro Transit Policy, MOAB and PATH training curriculums (or other approved training curriculum). This directive also outlines the required documentation of any Use of Force incident, the appropriate dissemination of this documentation, as well as the maintenance of this SOP.

### **2.0 SCOPE**

This directive applies to all Security and Fare Enforcement Officers assigned to the King County Metro Transit Division.

### **3.0 DEFINITIONS**

- a. **Aggression** - Observable behavior which can depreciate, threaten, or hurt a person or destroy an object.
- b. **Detention** - The act of keeping back, restraining, or withholding a person, either accidentally or by design.
- c. **Division Manager** – Operations or Fare Enforcement Manager
- d. **FE** – Fare Enforcement
- e. **FEO** – Fare Enforcement Officer
- f. **Handcuffing** – Application of a restraining device consisting of a pair of strong, connected hoops that can be tightened and locked about the wrists and used on one or both arms of a person in custody
- g. **IR** – Incident Report
- h. **KCM** – King County Metro
- i. **MOAB** – Management of Aggressive Behavior
- j. **PATH** – Practical and Tactical Handcuffing
- k. **Physical Intervention** - Refers to a range of physical actions, often involving control holds, to limit or restrict an individual's movement or mobility in response to threatening behavior.
- l. **Security Officer** – Individual who is paid to protect property, assets, or people
- m. **SMC** – Security Monitor Center
- n. **SOP** – Standard Operating Procedure
- o. **TCC** – Transit Control Center
- p. **Use of Force (UOF)** - Use of physical restraint or handcuffs to gain compliance and control over an individual.

### **4.0 AUTHORITY**

Security Officers have the same rights as a “private citizen.” Therefore, the right to use force is only allowed for self-defense or in the defense of others from physical harm. RCW 9.A.16.020 outlines when Use of Force is lawful. Security Officers are not Police Officers and do not have the same authority or exemptions of liability.

Fare Enforcement Officers are defined as “Enforcement Officers” by RCW 7.80.040 and have extended powers beyond those of a Private Citizen. King County Metro, a metropolitan municipal corporation, may designate persons to monitor fare payment who are equivalent to and authorized to exercise all the powers of an Enforcement Officer by RCW 35.58.585.

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There are specific powers defined in RCW 7.80.050 and RCW 7.80.060. These specific powers are: An Enforcement Officer may issue a notice of civil infraction when the civil infraction occurs in the officer's presence; file a written statement with a court that the civil infraction was committed in their presence causing the court to issue a notice of civil infraction; request that a person committing a civil infraction identify himself/herself; and detain a person who is unable or unwilling to identify himself/herself, for a reasonable period of time, to identify him/her for the purposes of issuing a civil infraction.

### 5.0 DETENTION

Detention occurs whenever a Security or Fare Enforcement Officer approaches an individual and restrains his or her freedom to walk away, or approaches and questions an individual, or stops an individual suspected of being personally involved in criminal activity. Physical restraint is not an essential element of detention.

When an FEO is investigating a misdemeanor theft pursuant to RCW 35.58.590 (where the subject was contacted without valid fare at least twice in a 12 month period) the subject may be detained for a reasonable amount of time until the police arrive to take charge of the investigation.

**It is King County Metro's expectation that this "detention" is not to be a physical detention requiring any physical intervention or use of handcuffs. It is only to be a verbal detention.**

### 6.0 USE OF FORCE CLASSIFICATIONS

#### a. Physical Intervention

- i. MOAB or other approved Physical Intervention techniques are to be utilized by a Security Officer or FEO to defend himself/herself or other person from physical harm (immediate and/or imminent) by another person, including an individual who appears intent on inflicting self-harm when it is reasonable to believe that a physical harm is imminent. These techniques are also authorized for use when a Security Officer or FEO is directed to do so by a law enforcement officer or he/she reasonably believes a law enforcement officer needs assistance.
- ii. Security Officers and FEOs should only use physical intervention methods that they have been trained to use for that purpose.

#### b. Handcuffing

- i. The use of handcuffs is considered an arrest/detention and shall be used as a last resort to control a physically aggressive person or an individual who appears intent on inflicting self-harm when it is reasonable to believe that a physical harm is imminent.
- ii. Barring an emergency situation, handcuffs are only to be applied by a Security Officer or FEO who has successfully completed PATH training (or other approved handcuff training curriculum).
- iii. Handcuffs are to be applied only after the Security Officer or FEO has used physical intervention techniques to control an individual and this individual has been taken into custody to await the arrival of the Police or when given direction by a law enforcement officer to do so.

### 7.0 USE OF FORCE TRAINING

- a. All Security Officers and FEOs assigned to the KCM Transit Security Division will successfully complete MOAB or other approved Physical Intervention training curriculum. This training will better prepare Officers for managing aggressive behavior. Security Officers and FEOs, by the nature of their position and responsibilities, may encounter individuals that become aggressive,

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combative or assaultive. Training in self-defense tactics may give the Security Officer or FEO an advantage over the non-trained officer. It will also train the officer on what is "reasonable and necessary" to stop an assault.

- b. All Security Officers and FEOs assigned to the KCM Transit Security Division, who are issued handcuffs, will successfully complete PATH training (or other approved handcuff training curriculum). Practical and Tactical Handcuffing techniques will better prepare the Security Officer or FEO for using handcuffs. FEOs, by the nature of their position and responsibilities will encounter situations where enforcement action for fare evasion is necessary. During the identification phase of issuing a notice of civil infraction, subjects often become uncooperative and aggressive toward FEOs, particularly when they are under the influence of alcohol or drugs. During this training the legal aspects of arrest and detention are thoroughly covered so the Officer has an understanding what is a lawful detention/arrest.

### 8.0 LIMITATIONS ON USE OF FORCE

- a. The Use of Physical Force shall be used as a last resort in situations where another reasonable alternative is not available.
- b. A Security Officer or FEO is only authorized to use physical force to defend himself/herself or other person from physical harm (immediate and/or imminent), including an individual who appears intent on inflicting self-harm when it is reasonable to believe that a physical harm is imminent.
- c. Whenever a Security Officer or FEO uses physical force, the amount of force used is to be only what is **reasonable and necessary** to stop the immediate threat of harm to the Security Officer, FEO, or other person, including the individual making the threat. Immediately after the threat stops, the Officer may remain in physical control of the compliant or non-compliant individual making the threat, as necessary to maintain control.
- d. Handcuffs may only be used to restrain an individual who has demonstrated aggressive behavior, as outlined in MOAB or other approved Physical Intervention training, toward the Security Officer/FEO, other person, or himself/herself.
- e. Handcuffs are **NEVER** to be used to detain an individual solely because he/she is uncooperative or just because a Security Officer or FEO feels an individual may be a danger or threat.

### 9.0 USE OF FORCE – INCIDENT RESPONSE

- a. A police response will be requested as soon as practical when the Security Officer or FEO determines Use of Force action is necessary.
- b. Medical response will be requested for any visual or claimed physical injury caused by the use of Physical Intervention techniques.
- c. The Supervisor or Manager from the security division involved shall be notified as soon as practical and shall respond to any incident involving Use of Force.
- d. If there are injuries to Security or Fare Enforcement personnel, the Supervisor will complete the Minor Injury (No Medical Treatment) Report or the appropriate Worker's Compensation forms. These injuries will be photographed by the Supervisor. These forms and photographs will be part of the IR.
- d. If property damage has occurred, this will be noted in the Supervisor's Accident Investigation Report. The damage will be photographed by the Supervisor and will be included as part of the IR.
- f. The Supervisor will be the liaison with Law Enforcement and Medical personnel and exchange all pertinent information. In the event that the Supervisor or Manager is unable to respond before the scene is cleared, the primary FEO or Security Officer will gather the following information at the scene:

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- i. Police Case Number
  - ii. Primary Responding Police Officer's name and arrival time
  - iii. Subject's name and contact information
  - iv. Charge(s) against the subject
  - v. Medical responders run number if applicable
  - vi. Medical facility the subject is transported to
  - vii. Witnesses names and contact information
- g. The Supervisor will make all appropriate notifications as soon as practical.
- i. If a Security Officer is involved, the Supervisor will notify the Security Operations Manager.
  - ii. If a FE Officer is involved, the Supervisor will notify the FE Manager.
  - iii. If either the Security Operations or FE Manager is not available, the Supervisor will notify the Security Account Manager.
- h. The Operations Manager and/or FE Manager will notify the Account Manager and the KCM Contract Security Coordinator of all Use of Force incidents as soon as practical.

**10.0 MANDATORY REPORTING OF USE OF FORCE**

- a. Whenever a Security Officer or FEO uses physical force, an incident report shall be filed.
- b. The incident will be documented to include identification of the UOF subject, the officers involved, the location, date and time, witnesses, and a description of what force was used, why force was used, and what response the use of force generated.
- c. In addition to the IR, a separate Use of Force Report will be filed by the Security Officer or FEO. **This report will be an administrative report and will be utilized for the purposes of an internal UOF review. It will not be included as part of the IR.**
  - i. The Use of Force report is a more detailed report specific to the actual force that was used. The Use of Force report will have a specific Use of Force Report number separate from the IR number.
  - ii. The SMC will be responsible for generating the Use of Force Report number.
  - iii. The MOAB or other Physical Intervention technique(s) used will be clearly articulated in the narrative of the Use of Force report.
  - iv. If handcuffs are applied, the Officer will clearly articulate the details that led to this application.
    1. The specific time and the name of the Officer who applied the handcuffs must be documented.
    2. Model of handcuffs used must be documented.
    3. Double locking must be used and documented.

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4. Proper fitness must be checked and adjustments made if necessary. These actions will be documented,.
5. The subject will be asked if they are too tight and this will be documented.
6. The subject's compliance or non-compliance will be documented during each check.
7. The specific time and who removed the handcuffs must be documented.
- v. The Use of Force report will include statements from all the Security Officers or FEOs involved.
- vi. The Use of Force report will also include any video footage, photographs or any other evidence pertaining to the subject's behavior and the responding Officer's actions.
- d. The on-scene Supervisor or Manager will ensure that all appropriate documentation has been completed. This includes the IR and the Use of Force report. Supervisors/Managers will specifically ensure all reports are legible and clearly articulated in a comprehensive format.
- e. The on-scene Supervisor or Manager will complete the Supervisor's Accident Investigation Report and include it in the IR.
- f. The Operations/FE Manager will request/obtain three copies of video footage from King County Metro cameras at the scene. This will be accomplished by requesting the video footage from the King County Metro Transit Contract Security Coordinator.
- g. The Supervisor or Manager will complete the Supervisor's Assessment of the Use of Force and include this with the Use of Force report.

### **11.0 DISSEMINATION OF USE OF FORCE REPORTS**

- a. The Supervisor or Manager will forward a copy of the Use of Force Packet (Document Checklist Cover Sheet, IR, Use of Force Report, Supervisor's Assessment, associated media, and all pertinent evidence) to the Division Manager of the Officer(s) involved.
- b. The IR, Use of Force Report, and the Supervisor's Assessment will be forwarded to the Use of Force Review Board by the Division Manager of the Officer(s) involved.
- c. The Division Manager will apprise the Account Manager and KCM Contract Security Coordinator of the status of the incident as soon as practical.
- d. The Division Manager will forward the final report and Review Board Findings to the Account Manager and the KCM Contract Security Coordinator.
- e. Copies of all Use of Force Reports will be maintained in chronological order by date in a Use of Force file in KCM security provider's office and the KCM Contract Security Coordinator's Office.

### **12.0 USE OF FORCE REVIEW BOARD**

- a. All Use of Force incidents will be reviewed by a UOF Review Board.
- b. The Use of Force Review Board will consist of three members
  - i. One non-involved peer employee working the same or similar post
  - ii. King County Metro Security Trainer
  - iii. King County Metro Transit Police Representative

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- c. The Review Board will review the IR, Use of Force report, Supervisor's Assessment, available video(s), and all pertinent evidence.
- d. The Review Board shall make a determination as to whether the Officer(s) acted within policy, used reasonable and necessary force or whether the incident requires more investigation.
  - i. If the Review Board determines that the Officer(s) acted appropriately, documentation will be provided and the file will be forwarded to the Account Manager.
  - ii. If the Review Board determines that the incident needs more investigation, documentation will be provided as to the questions raised by the Board and the file will be returned to the Operations and/or FE Manager.
  - iii. After the additional information is provided, the Review Board will make a final assessment, provide documentation of that finding, and forward the file to the Account Manager, Operations Manager, and/or the FE Manager.
- e. The Operations Manager is responsible for investigating all Use of Force incidents directed by the Review Board.

**15.0 RELEVANT USE OF FORCE DOCUMENTS AND FORMS**

- a. Use of Force and MOAB Policy.
- b. Handcuff Policy and Procedure.
- c. ABC's of Documentation.
- d. Use of Force Acknowledgement.

**NOTE: The above Use of Force and Path Forms are attached by reference and are part of this SOP. All Security and Fare Enforcement Officers on the King County Metro account must sign all applicable forms prior to performing any Security or Fare Enforcement duties.**

**16.0 REVIEW**

All Directives, Policies, and Procedures are reviewed at least annually to ensure compliance with KC Metro Transit Directives. Policies and Procedures will be updated immediately if there are procedural changes and or the addition or deletion of post positions or procedures and duties.

**17.0 SUPERSESSION**

NEW

**18.0 EFFECTIVE DATE**

4-1-2013

ISSUING AUTHORITY

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Gail Israelson

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King County Metro Transit  
Contract Security Coordinator