

SOUND TRANSIT SECURITY STANDARD OPERATING PROCEDURES

SOP-SEC 10-05 Filing a Theft 3rd Case PAGE 1 of 5

Effective: 04/01/2017

Supersedes: First Edition 11/01/10, Second Edition 07/20/2011, Third Edition 12/23/2013, Fourth Edition 01/01/2015

Issuing Office: SECURITY DIVISION-FARE ENFORCEMENT

SECURITY/FARE ENFORCEMENT SOP: FILING A THEFT 3RD CASE

1.0 PURPOSE:

This directive establishes the Standard Operating Procedure to file a Theft 3rd case with the Sound Transit Police Department.

2.0 SCOPE:

This directive applies to all Securitas employees assigned to the Sound Transit Contract/Fare Enforcement Division..

3.0 DEFINITIONS:

- a. **FEO** - Fare Enforcement Officer.
- b. **THEFT 3rd** - Theft of services or theft in the third degree.
- c. **STPD** - Sound Transit Police Department (King County Sheriff's Office)
- d. **RCW** -Revised Code of Washington.
- e. **SOC**- Security Operations Center
- f. **Handheld**- Panasonic FZ-X1 device used by officers to check fare and issue infractions.

4.0 AUTHORITY:

RCW 81.112.230 authorizes a law enforcement officer to prosecute for theft any individual that fails to pay the required fare on more than one occasion within a twelve-month period. It is the policy of Sound Transit Police for any evader that has been issued two citations in a 12 month period may be issued a citation for Theft 3rd degree. The Theft citation must be filed by the Police Officer. FEOs do not have the authority to file criminal charges.

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

RCW 9A.56.050 defines Theft 3rd as property or services that does not exceed seven hundred fifty dollars in value. Theft 3rd is a gross misdemeanor.

Theft 3rd 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.

5.0 TYPES OF THEFT 3RD CASES

- a. There are two types of Theft 3rd cases, In- Custody and charged via investigation.
 1. **In- Custody:** STPD Officer is on scene and arrests the violator and books them into jail.
 2. **Via investigation:** STPD Officer is on scene but releases the violator and refers a case to the prosecutor.

6.0 MULTIPLE CITATIONS REQUIRED:

- a. Theft of Services cases apply to violators who have been issued two (2) previous citations for a fare violation within the last twelve months.
- b. Violators may also have prior warnings in the past twelve months.

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7.0 DETERMINING PREVIOUS HISTORY FOR AN EVADER:

- a. Previous history will be obtained by running the violator's name through the repeat offense check on the FEO's handheld.
- b. The FEO will only review the contacts within the past twelve months but may use all prior contacts as evidence for the Theft of Services case.

8.0 AN EVADER WITH MULTIPLE CITATIONS – Police Response:

- a. If it is determined in the field that a theft case will be initiated, the FEO will request a police response.
- b. The FEO will ask for an officer to respond for a 284.
- c. Once the deputy arrives on scene, they will take over the contact from the FEO and make the decision to arrest, cite and release or cite via investigation.
- d. If STPD arrests the evader, the FEO will provide a statement to the police officer with all the details of the contact and provide details about the previous citations and theft cases. A copy of the statement will also be submitted to an FEO supervisor.
- e. In the event the STPD officer decides to charge the fare violator via investigation, the FEO will compose a Theft of Services Statement and a KCSO witness statement. Both statements will be forwarded to a supervisor for review and processing.
- f. ***If STPD is unable to respond to take a case, the FEO will still write a statement and submit to a supervisor. The FEO will make a note in their statement that an STPD Officer was unable to respond.***

9.0 WRITING A THEFT OF SERVICES STATEMENT:

1. Once the individual has been identified, the FEO will enter the contact into their handheld as a Theft of Services and inform the violator that a case will be referred to the court for theft charges.
2. The FEO will compose a Theft of Services Statement (see attached) by the end of their shift.
3. The narrative will identify the current violation.
4. Outline all the previous citations and warnings in the additional information section.
5. All evidence gathered from the previous warnings, citations and theft of services will be compiled with the evidence of the current violation in chronological order. All of the subject's behavior will be noted in detail.
6. A photo of the violator will be attached to the packet.
7. The FEO will place a hard copy of the statement in the Supervisor's box.

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10.0 SUPERVISOR RESPONSIBILITIES :

- a. The on duty supervisor is responsible for making sure the theft cases are processed.
- b. Once a theft statement is received from the FEO's, the supervisor will complete the following tasks.
 1. Review the Theft of Services statement for accuracy.
 2. Pull all prior contacts and evidence within the past twelve months.
 3. Once the evidence is compiled into one file, the file will be scanned to the detective unit with the King County Sheriff's Office (Sound Transit Division) for filing.
 4. The FEO supervisors will keep a hard copy and a digital copy of each case send to the detectives.

10.0 REVIEW:

The Director of Public Safety or Delegate will ensure all Directives, Policies, and Procedures are reviewed at least annually to ensure compliance with ST 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 SUPERSESSION: First Edition 11/1/2010, Second Edition 07/20/2011, Third Edition 12/23/2013, Fourth Edition 01/01/2015.

12.0 EFFECTIVE DATE: 04/01/2017

ISSUING AUTHORITY



Kenneth Cummins
Director of Public Safety

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13.0 ATTACHMENT:

**Sound Transit Fare Enforcement
Theft of Services Statement**

Case #	13-045679
Subject Name:	Harrison, John L.
Subject DOB:	03-11-1965
Sound Transit Incident #	FE13-0401

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I, _____, am employed as a Fare Enforcement Officer for Securitas on the Sound Transit Account. .

On 04-04-2013, at approximately 1312 hours, I was in full uniform and conducting Proof of Payment inspections on LRV# 110, Train # 6, while traveling north from SODO Station to Stadium Station. I announced to all passengers that I would be coming through the LRV to conduct fare inspections. At that time, I instructed all passengers to present Proof of Payment.

While inspecting passengers for Proof of Payment, I contacted an Other/Male/Adult, who was later identified by Washington State (**Driver License / Identification Card**) as John L. Harrison (DOB: 03-11-1965). Harrison presented a One-Way Sound Transit Youth Ticket as Proof of Payment. Harrison appeared to be older than eighteen years of age. I asked Harrison his age. Harrison stated that he was twenty-one years old. I informed Harrison that he did not qualify for the youth fare, as Sound Transit Youth Tickets are only valid for individuals six through eighteen. I instructed Harrison to present identification. Harrison complied and presented his Washington State Driver License.

Upon review of the Sound Transit Warning/Citation log, I verified that Harrison has been previously contacted for fare evasion multiple times (See below information.) Due to his fare violation history, I asked Harrison to exit the train with me at Stadium Station. Harrison complied.

I contacted the King County Sheriff's Office Communications Center via radio and requested assistance for a 284. Deputy Doe responded and I provided Harrison's previous fare violation to him. Deputy Doe took over the contact, verified Harrison's information and informed Harrison that he would be forwarding a statement to the prosecutor's office to pursue theft charges.

Harrison exited the station.

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

Additional Information

Warnings (Fare Violations)					
Officer	Date	Time	Station	Direction	Violation Code
B. Officer	11-13-12	0945	SODO	SB	MN

Previous Citations (Fare Violations)						
Citation #	Officer	Date	Time	Station	Direction	Violation Code
ST 01234	G. Officer	12-09-12	1311	Stadium	NB	MN
ST 05678	J. Officer	02-03-13	1100	SODO	SB	MF
ST 09123	L. Officer	02-17-13	0750	Beacon Hill	SB	MN

Previous Cases Referred to King County Sheriff's Office for Investigation of Theft						
Case #	Deputy	Date	Time	Station	Direction	Violation Code
13-021234	C. Deputy	02-23-13	1319	Beacon Hill	SB	MN

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: Officer Name			
Signature:		Badge #	12345
Date:	04-01-2017	Place:	Seattle WA, King County