

KING COUNTY METRO FARE ENFORCEMENT - STANDARD OPERATING PROCEDURES**SOP-TS 102-03 Writing and Issuing a Notice of Infraction PAGE 1 of 5**

Effective: 05/01/2013

Supersedes: FE MANUAL, Third Edition July, 2012

Issuing Office: KING COUNTY METRO TRANSIT SECURITY DIVISION

FARE ENFORCEMENT SOP: WRITING AND ISSUING A NOTICE OF INFRACTION**1.0 PURPOSE:**

This directive establishes the Standard Operating Procedure for Writing and Issuing a Notice of Infraction and is to be used by the Fare Enforcement Division of King County Metro in the accomplishment of its assigned duties. This SOP defines the circumstances in which a Notice of Infraction will be issued. This directive also outlines the required documentation of any 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. **Fare Evader** – A passenger without valid fare
- c. **Fare Media** - Physical evidence of valid fare
- d. **Fare Box** – onboard payment station
- e. **FEO** - Fare Enforcement Officer
- f. **ID** – Identification
- g. **ORCA Reader** – ORCA card equipment used by customers to tap their ORCA cards before boarding (at selected bus stops/shelters) or onboard coaches.

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 a Enforcement Officer. This grants Fare Enforcement Officers the authority to issue citations to fare evaders under RCW 35.58.580. 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 citations, interacting with the public and potential fare evaders. FEOs will not discriminate based on age, race, religion, gender, physical disability or economic status.

5.0 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.

a. Unintentional Failure To Pay Fare

1. The Fare Box or ORCA readers were malfunctioning at the time they boarded.
2. The passenger did not understand the pay upon entry policy.
3. The passenger is a visitor from out of town.
4. It is the passenger's first time using the transit service.
5. The passenger failed to accept a transfer from the bus driver but paid valid fare – only when the driver corroborates the passenger's claim.
6. The passenger was given inaccurate information by someone that they assumed to be a reputable source.
7. The passenger did not understand the "tap" procedure.
8. Other reasons where it is obvious that the passenger was not intentionally evading fare.

b. Intentional Fare Evasion

1. The passenger presents altered or forged fare media.
2. The passenger pays a youth fare and attempts to deceive the FEO about their age.
3. The passenger presents nontransferable fare media that has obviously not been issued to them but claims that it was.
4. The passenger has a history of Failure to Pay or Present Valid Fare.

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5. Failure to cooperate with FEOs (lying or attempting to deceive and refusing to comply with instructions or present identification).
6. Passenger presents invalid fare media and it is obvious the passenger understands the system.
7. Passenger presents expired fare media.
8. 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 Citation/Warning Log for a history of fare violations; determining if the passenger is educated on the use of King County Metro fare media and equipment.

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

6.0 CONTACTING A PASSENGER FOR FARE

- a. Determine if the passenger has valid fare
 1. If the passenger has valid fare, break contact and resume duties.
 2. If the passenger does not have valid fare, follow steps b, c, and d below.
- b. Determine why the passenger does not have valid fare.
 1. 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.

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2. 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.
1. 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.
 2. 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.
 3. 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 a credit card. Protect the Social Security Number so it is not photographed.**
 4. If the passenger is unable or unwilling to present identification or show evidence of their identity, the FEO may want to confirm their identity by contacting King County Metro Police for verification.
- d. Advise the passenger whether or not they will be receiving a citation in the mail.
1. If the passenger is not known as a habitual evader and the FEO needs to do more follow up to determine their history, the FEO will advise them they may receive a citation in the mail.
 2. The FEO may also tell them that if they have no prior record of being contacted, they will be given a warning.
 3. The FEO may choose to inform the passenger that they **will** be receiving a citation in the mail if the FEO has ample evidence to prove fare evasion and has decided they will receive a citation.
 4. The FEO may choose to inform the passenger that they will be receiving a citation in the mail if the FEO has checked the person through the SMC and knows they have been previously contacted.

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- e. Every passenger contact that involves a fare violation will result in a warning, a citation or theft of services charge. (See: SOP-TS 102-05 Multiple Citation Evaders)***

7.0 WRITING CITATIONS.

- a. Citations will be completed at the office located at Atlantic/Central Base unless directed otherwise by management.
- b. Citations will be neat, accurate and legible.
1. Accuracy and neatness reflect on the FEO who writes the citation as well as on King County Metro. Mistakes and omissions of information may result in the rejection or dismissal of the citation by the court.
- c. When writing a citation, careful attention should be given to providing all of the necessary information that was gathered as the citation becomes a court document.
- d. Select the proper County and court.
1. Select the County in which the violation took place.
2. In King County If the defendant is a minor under sixteen years old, add the words "Juvenile Court" to the top right of the citation next to the County check boxes. You must also place the Juvenile Court sticker for Alder Street on the green defendant's copy of the citation at the bottom over the court selection boxes.
3. In King County If the defendant is a minor sixteen or seventeen years of age, add the words "Juvenile Seattle" to the top right of the citation next to the county check boxes. You must also place the Juvenile Court sticker for 3rd Ave on the green defendant's copy of the citation at the bottom over the court selection boxes.
- e. Complete the citation with all of the applicable information that you gathered in the field.
1. Fill in all of the pertinent information that identifies the location of the violation.
2. When entering the location, note the direction of travel with (NB, SB, EB, or WB) and the station that it occurred at. If the violation took place on board a coach between stations, then you note the direction of travel from and to those stations.

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- f. The motor vehicle section of the citation will be left blank.

- g. Select the proper violation in the violation portion of the citation.
 - 1. 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.
 - 2. 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. (i.e. after you have them exit the coach, if they are uncooperative, but then display fare after the police arrive). Check the box and write in the violation. Example: Failure to display proof of payment.
 - 3. RCW 35.58.580(2)(c) Failure to Depart Facility is not utilized by FEOs. This is for King County Metro Police only.
 - 4. In the same portion of the citation "Sent to Court for Mailing" will be selected.
 - 5. "Date issued" will always be left blank. It is filled in by the court.
 - 6. There are two places for "Officer Name and Number. Print FEO name on the top line and sign on the bottom. FEO badge number will be included.

- h. The infraction portion at the bottom of the citation will be left blank.

- i. The Officer Narrative located on the back of the white copy of the citation may be hand written or typed.
 - 1. Typed Narratives are preferred as it is easier to edit them if necessary. 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. The FEO will also sign the perjury statement on the back of the white copy of the citation.
 - 2. The witness portion at the bottom of the citation 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 citation.

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3. Two copies of the narrative, confiscated fare media and any other evidence are to be included with the citation.
4. The completed citation will be submitted for approval.
5. If the citation is returned to the FEO by the Supervisor or delegate for additional information or editing, complete the directed corrections and re-submit.
6. The FEO must initial any corrections made on the citation. If a citation requires multiple changes, it should be voided and re-issued.
7. If a citation is to be voided by the FEO, all four copies must be together. A diagonal line will be drawn across the face of the citation and initialed. An Incident Report (IR) must be completed with the reason for the voided citation. The IR and the citation submitted to the supervisor/manager. Each voided citation will accompany its own IR.

7.0 REVIEW:

The King County Metro Contract Security Coordinator or Delegate will ensure that all Fare Enforcement Group directives, policies and procedures are reviewed at least annually to ensure compliance with King County Metro policy. Directives, policies, and procedures will be updated immediately if changes to King County Metro policy require immediate implementation.

8.0 SUPERSESSION: FE MANUAL 7/2012, Third Edition

9.0 EFFECTIVE DATE: 05/01/2013

ISSUING AUTHORITY

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