**Juvenile Fare Evasion Filing**

**A step-by-step cheat sheet**

**STEP 1: Is R intending to deprive?**

Is there admissible evidence of deliberate intent to deprive, which overcomes any reasonable explanation for why the respondent did not have the money to pay?

|  |  |
| --- | --- |
| **Yes - Charge** (examples not inclusive): | **No - DO NOT charge** (not inclusive): |
| * Prior fare-evasion convictions or documented warnings/history   - OR -   * Pays nothing or nominal amount, **plus** sufficient additional admissible evidence that juvenile never intended to pay. * Drops nothing or nominal into the fare box and runs off w/o apology or explanation. * Pays nothing and offers no excuse or a provably disingenuous excuse (is rude, profane, does not care) * Presents an obviously expired transfer (more than two hours), altered transfer, or possesses multiple expired transfers in a variety of colors and time indicators | Respondent has no documented history of fare evasion AND   * Pays nothing or a nominal amount but gives an explanation (“I forgot my money,” “I forgot my bus pass”; “I thought I had more change on me,” “This is all the change I have."). * Substantially pays the fare (i.e. within 25 cents of the total fare) * Presents a transfer that is two hours or less past expiration |

**STEP 2: Do we have ID?**

* Did the fare-evasion officer (FEO) or sheriff's deputy confirm the juvenile's stated identity and age? (ID card, parental contact, photo taken, police files, etc.)

If NO: Send MI for confirmation or insuff if law enforcement is unable to provide confirmation.

**STEP 3: What do we file?**

Did offense occur on Metro or Sound Transit?

**METRO:** Should file under RCW 35.58.580(civil infraction) or RCW 35.58.590 (misdemeanor)

* **Infractions--RCW 35.58.580**:
  + The following are civil infractions:
    - Failure to pay the required fare, except when the fare is not publicly displayed as required by RCW 35.58.585
    - Failure to produce proof of payment
    - Failure to depart the bus when asked to do so
  + Screening sheet:
    - Charge: Fare evasion —Metro
    - Code: RCW 35.58.580
    - Blanks: leave blank
* **Theft—RCW 35.58.590**
  + Can file theft, trespass or other charges one any individual who:
    - Fails to pay the required fare more than once within a year
    - Fails to timely select one of the options for responding to the notice of infraction after receiving a statement of the options.
    - Fails to depart the bus when asked
  + Screening Sheet
    - Charge: theft 3
    - Code: 02654
    - Blanks:
      * Delete property (include services)
      * Transportation services
      * Delete property (include services)
      * Metro Transit
    - Add RCW 35.58.590

**SOUND TRANSIT:** should file underRCW 81.112.220 (civil infraction) RCW 81.112.230 (misdemeanor)

* **Infractions—RCW 81.112.220**
  + The following are civil infractions:
    - Failure to pay the required fare
    - Failure to produce proof of payment
    - Failure to leave the facility when asked
  + Screening Sheet:
    - Charge: Fare evasion —regional transit
    - Code: RCW 81.112.220
    - Blanks: leave blank
* **Theft—RCW 81.112.230**
  + Can file theft, trespass, or other charges by any individual who:
    - Fails to pay more than once within a year
    - Fails to timely select one of the options for responding to the notice of infraction after receiving a statement of the options.
    - Fails to depart the facility when asked
  + Screening Sheet
    - Charge: theft 3
    - Code: 02654
    - Blanks:
      * Delete property (include services)
      * Transportation services
      * Delete property (include services)
      * Sound Transit
    - Add RCW 81.112.230