**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
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**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