

KING COUNTY METRO FARE ENFORCEMENT - STANDARD OPERATING PROCEDURES**SOP-TS 102-07 Use of Discretion PAGE 1 of 3**

Effective: 05/01/2013

Supersedes: FE MANUAL, Third Edition July, 2012

Issuing Office: KING COUNTY METRO TRANSIT SECURITY

FARE ENFORCEMENT SOP: USE OF DISCRETION**1.0 PURPOSE:**

This directive establishes the Standard Operating Procedure regarding Use of Discretion to be used by the Fare Enforcement Group of King County Metro Transit Security Division in the accomplishment of its assigned duties. This SOP defines the basics related to how and when FEOs may exercise discretion. There are numerous other SOPs that specifically address other procedures that are impacted by this SOP.

2.0 SCOPE:

This directive applies to all King County Metro Fare Enforcement Officers.

3.0 DEFINITIONS:

- a. **Coach** – Any Rapid Ride vehicle where FEOs have legal authority to enforce the appropriate RCWs.
- b. **Discretion** – The power or right to act according one's own judgment.
- c. **FE** – Fare Enforcement
- d. **FEO** – Fare Enforcement Officer.
- e. **KCM** – King County Metro
- f. **NOI** – Notice of Infraction

4.0 AUTHORITY:

King County Metro has authorized all members of the Fare Enforcement Group to exercise limited discretion while conducting Fare Enforcement operations. This use of discretion is constrained by the guidelines provided in this SOP in order to assure fair and consistent implementation of Fare Enforcement procedures, and to avoid the perception that customers are not treated equally.

The discretion discussed and authorized by this SOP resembles the limitations placed on law enforcement officers when there is a third party involved. Police Officers do not decide who to charge or not charge for civil and criminal violations when there is a third party involved. Their discretion is limited by the desire of the third party victim. In the case of fare evasion, King County Metro is the victim and therefore dictates the limitation on FEO discretion.

5.0 DISCRETION SENSITIVITIES:

There is a subtle relationship between Discretion and Non-Discrimination. The use of discretion involves granting the FEOs the power or right to act according to their own judgment in a given situation. Left unchecked, this power can lead to discriminatory behavior when we understand that FEOs, as members of our culture, possess prejudices/biases inherent in our society based on their own life experiences. Rather than leaving discretion to be determined by each individual FEO, this SOP outlines how discretion is to be applied to Fare Enforcement operations and enacts some controls on FEO decision making in order to create an environment free of discriminatory behavior.

Fare Inspections are performed in a unique environment as compared to other law enforcement contacts. They are not one-on-one contacts, but rather a contact on a populated coach where many customers observe the FEO's performance. Any discretion used by the FEO will be closely scrutinized by the ridership. This presents a unique challenge for the FEOs in achieving the goal of fair and consistent Fare Enforcement Operations and to avoid any perception of unequal treatment. This SOP sets guidelines for all FEOs to achieve a consistent approach to Fare Inspection Operations.

6.0 DISCRETION GUIDELINES:

FEO decisions that call for the use of discretion generally include situations where extenuating circumstances justify variation from routine FE processes and procedures. FEOs shall be mindful of KC Metro's Non-Discrimination Policy when making these decisions.

Examples of situations where discretion is appropriate are listed below. These examples are not intended to be an all-inclusive list of situations where discretion is authorized.

- a. Observation of behavior consistent with fare evasion tactics
 - i. FEOs may interrupt normal FE operations when they see a customer exit a coach abruptly upon seeing the FEO. This behavior is known to be consistent with that of a fare evader. This individual may be singled out for immediate fare inspection due to this specific behavior.
 - ii. FEOs may engage passengers who appear to lying and/or attempting to deceive them in supplementary conversation in order to determine the truth about their statements.
- b. Dealing with Special Populations without valid POP
 - i. FEOs shall use discretion when dealing with tourists, juveniles, senior citizens, disabled persons, parents with young children, or customers that have an impairment that is evidenced by their behavior or communication skills.

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- 1.) Tourists
 - a.) Tourists that are obviously traveling with luggage shall not be taken off the coach.
 - b.) Identification will be completed on the coach.

- 2.) Juveniles under 12 years of age
 - a.) Juveniles under 12 years of age shall not be taken off the coach and left unattended at a Rapid Ride stop or otherwise left on their own.
 - b.) The FEO will contact their parents and remain with the juvenile until the outcome is resolved by the parent.
 - c.) This needs to be clearly documented in a narrative attached to the warning log entry. Care shall be taken with all juveniles and consideration given as to their safety due to the location and time of contact.

- 3.) Senior citizens
 - a.) Senior citizens shall not be taken off the coach.
 - b.) Identification will be completed on the coach.

- 4.) Disabled customers
 - a.) Disabled customers, when it is obvious by the fact that they are using a wheel chair, scooter, or walking appliances, shall not be taken off the coach.
 - b.) Identification will be completed on the coach.

- 5.) Parents with small children
 - a.) Parents with small children, either physically carrying or in a carrying device (including pregnant women), shall not be taken off the coach.
 - b.) Identification of the parent will be completed on the coach.
 - i. When a parent is accompanied by children, it is not necessary to identify the children, only the parent.

- 6.) Impaired customers
 - a.) Customers that are obviously impaired, as evidenced by their behavior or communication skills, shall not be taken off the coach.
 - b.) Identification will be completed on the coach.
 - c.) FEOs will determine if this customer requires assistance to reach their destination.

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- d.) If necessary, FEOs will provide these customers with assistance until they arrive at their destination.
- c. If a customer without valid fare has **not** been contacted before, it shall be assumed they are **not** an intentional fare evader until facts and circumstances prove otherwise.
 - i. King County Metro Policy gives customers without valid POP the “*benefit of the doubt*” and allows the FEO to give them a warning prior to issuing a Notice of Infraction when the customer has not been proven to be an intentional or habitual fare evader.
 - ii. Because KC Metro has chosen to implement the benefit of the doubt policy, the FEOs shall to utilize the first contact situation to educate the customer regarding the fare payment policies without issuing a Notice of Infraction.
 - iii. **FEOs may issue a Notice of Infraction upon first contact when it is obvious that the passenger understands the fare payment system and their actions clearly show they are intentionally evading fare payment.**
- d. Any warning issued by a FEO shall include collecting identification information from the customer without POP.
 - i. ***FEOs must remember that other customers are watching how they handle the customer without valid fare. If the observing customer has been contacted before and the FEOs requested identification of them, they will consider it discriminatory if the FEOs do not do the same for all customers.***
- e. When a customer without valid POP is determined to have intentionally avoided fare payment or habitually avoids fare payment, they will be issued a NOI.
 - i. Intentional evasion can be determined by the nature of the fare media presented, by the customer’s past history, or by the customer’s statements and behavior indicating that they are familiar with the fare system requirements.
- f. All warnings and NOIs will be screened by a Fare Enforcement Supervisor or Manager to assure that all customers without valid fare have been properly documented and that the FEO’s discretion meets the standards outlined in this SOP.

7.0 REVIEW:

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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

Gail Israelson
KCM Contract Security Coordinator