

 <p><b>TRANSIT POLICE</b> King County Sheriff's Office</p>	<h1>Suspension and Expulsion SOP</h1>	<p>SECTION:  <b>13</b></p>
<p>Reviewed by: Captain Lance Dauber</p>	<p>Subject: <b>Suspension Policy SOP</b></p>	
<p>Approved by:  Major Dave Jutilla</p>	<p>Issue Date: 06/24/10 Effective Date: 06/24/10 Revision Date: May 14, 2015</p>	

### 13.0 Purpose

It is the goal of Metro Transit Police (MTP) to provide a safe and secure environment for patrons and employees of Metro Transit. To this end, it is appropriate and necessary to suspend the usage privileges of persons that do not follow the Metro Transit Code of Conduct and/or have committed crimes or infractions on or in relation to transit property.

### 13.1 Definitions

**Authorized KCSO Deputy-** a police officer, regardless of rank or position, employed by the King County Sheriff's Office that has successfully completed required training on the King County Metro Suspension and Exclusion Policy.

**Code of Conduct-** The provisions of KCC 28.96, including amendments.

**Enforcement Action-** An action taken by a authorized police officer or another police officer to file, or commence the process for filing, a civil infraction or criminal case against a person for a transit violation, including but not limited to the booking of a subject and/or referring a matter to the prosecutor's office for filing.

**Suspension Database-** A record of persons who are currently and/or have been suspended from transit property. This record will be maintained by a member of the Metro Transit Police administrative staff that has been designated as the suspension database records custodian.

**Transit Property-** A vehicle or facility as defined in K.C.C. 28.92.170 but excluding paratransit and contracted service vehicles.

Transit Violation – An act that violates King County Code 28.96 or any other federal, state or local law, when that act is committed in, on, or against Metro Transit including any employees, vehicles, zones, equipment, property, or facilities leased, owned or operated by Metro Transit; including any person riding, waiting for, or disembarking from the bus.

### **13.2 Policy Statement**

When a person commits a transit violation and enforcement action is taken, a suspension notice should be issued by an Authorized KCSO Deputy.

### **13.3 Bias Based Conduct**

It is the expectation of King County Metro that all suspensions will be issued and reviewed in a fair and lawful manner. Discrimination in the performance of these duties is prohibited. This prohibition includes, but is not limited to, harassment or discrimination based on race, color, age, gender, sexual orientation, religion, national origin, or the presence of any sensory, mental, or physical disability.

### **13.4 Effectiveness**

- Suspension notices served in person are effective immediately.
- The suspended person is expelled from transit property for the remainder of the calendar day in which the notice was issued and the suspension will begin on the next full calendar day.
- Suspension notices are effective on the date of service, not the date the incident occurred. Notices should ordinarily be issued within 8 weeks of the conclusion of the investigation.
- Suspension notices issued by mail shall not be effective for at least ten (10) days after the notice is mailed **and** delivery has been confirmed by USPS.

### **13.5 12 Hour Expulsions**

**The main difference between an expulsion and a suspension is that an expulsion does not require that the police officer take enforcement action. Additionally:**

- An expulsion order is effective for twelve (12) hours following the date/time of expulsion

- Failure to immediately comply with an expulsion order and remain off transit property while the expulsion is in effect is grounds for arrest and/or prosecution for criminal trespass.
- A person can be expelled from transit property orally or in writing.
- Expulsions are not subject to appeal or review by the suspension panel.

**The following persons are authorized to immediately expel from Transit Property a person who commits a Transit Violation, by issuing such person an order to immediately exit the property:**

- Transit operations service supervisors
- Metro Transit contract security personnel
- Any Police Officer

A 12 hour expulsion may be issued orally, or in writing, using a Suspension Notice (Form #0669) or an Expulsion/Warning Notice (Form #0271) and should be recorded and maintained in accordance with section 13.10 of this SOP.

### **13.5 Suspension Notices Issued in Person**

- Authorized deputies should issue a suspension notice when **enforcement action** is being taken for a **transit violation** regardless of which agency is taking the enforcement action.
- Suspension notices should be issued on scene in conjunction with any enforcement action being taken.
- The suspension period given must correspond with the enforcement action being taken
  - e.g. Person cannot be given a 365 days suspension for assault when the victim will not assist in prosecution and the incident was referred to the prosecutor's office as an unlawful bus conduct case.
- If a Metro officer is present and a suspension notice is not issued at the scene, the reason should be documented in the incident report. The officer should then attempt to issue the suspension notice in person. If attempts to serve the notice in person are unsuccessful, 365 day suspensions may be forwarded to the Metro Criminal Investigations Unit (CIU) so it can be issued by mail.
- Suspension notices may be issued to in custody persons by placing the notice in their property at the appropriate detention facility (King County Jail, Youth Services Center, etc)
- Authorized Metro Transit deputies shall turn in issued suspension notices prior to securing at the end of shift

- Other KCSO deputies authorized to issue suspensions shall submit issued suspension notices and a copy of the supporting case report or citation to [metro.appeal@kingcounty.gov](mailto:metro.appeal@kingcounty.gov) or fax to 206/684-2744 within 72 hours of issuance
- Notices turned in more than 24 hours after issuance may be voided.
- Suspension notices shall be supported by a narrative in IRIS i.e. Incident Report, Ticket, or Follow-up. Suspensions will not be entered into the suspension database until a narrative articulating the transit violation and enforcement action is completed.

### **13.6 Suspensions by Mail**

If a suspension notice is not issued at the scene for any reason, a suspension notice may be issued by mail.

- Detective(s)/Supervisor assigned to Metro CIU will hold the responsibility of issuing suspensions by mail.
- Deputies and detectives not currently assigned to Metro CIU on a permanent or temporary basis shall not issue suspension notices by mail.
- Suspensions will ordinarily only be issued by mail for 365 day suspensions.

Persons issuing suspensions by mail shall adhere to the following procedure:

- Review case for probable cause that a transit violation occurred and that enforcement action was taken
- Make a reasonable effort to confirm the address of the person to be suspended
- The effective date on the suspension notice shall be at least ten (10) days after the notice is mailed
- Mail a copy of the suspension notice to the person's last know address via United States Postal Service (USPS) certified mail

### **13.7 Outside agencies**

Suspension notices can only be issued by authorized KCSO Deputies. Cases generated by the King County Sheriff's Office deputies that have not been trained to issue notices or generated by other police agencies may be referred to MTP or an authorized KCSO deputy for review and issuance. Police officers/deputies may do this by:

- Requesting an authorized KCSO deputy respond to the scene of their incident
- Requesting an authorized deputy issue a suspension notice to the person at a detention facility or jail (placed into personal property)

- Forwarding a copy of the case report to MTP for review and issuance of a suspension notice by mail (365 day suspensions only).
- It is the responsibility of the authorized deputy to articulate the transit violation and enforcement action taken in IRIS.
- Authorized deputies shall include the originating agency's case number, officer's name, and badge/serial number (a copy of the case is even better).

### **13.8 Suspensions for Spanish Speakers**

King County form # 0707 "Information about Your Suspension" has been translated into Spanish to aid Spanish speaking persons with understanding the information on a suspension notice. This form should be utilized in conjunction with a suspension notice when appropriate. Use of this form in conjunction with a suspension notice should be documented in the corresponding case report.

### **13.9 Administrative review of suspensions**

All Suspension notices are reviewed by CIU prior to entry in the suspension database.

- They are being checked for general policy compliance
- Suspension notices will not be entered into the database without proper documentation in IRIS i.e. Incident Report, Ticket or Follow-up.
- Most common problems are:
  1. Poorly articulated transit violation
    - ✓ In the shelter better than at a shelter
    - ✓ Simply stating the person is "in a bus zone" may be too vague
  2. Poorly articulated enforcement action (usually on notices issued for other agencies)
  3. Inaccurate date calculations
  4. Notices turned in or narrative not completed in a timely manner

If, after review, it appears that the suspension notice may be insufficient for reasons other than a clerical error the reviewing detective will:

- Refer the suspension notice to the CIU sergeant for review
- If the CIU sergeant agrees that the suspension notice is not sufficient, the notice will be canceled and the CIU sergeant will provide feedback to the issuing deputy and his/her supervisor

- The CIU sergeant/reviewing detective may also refer the notice to the suspension panel for review.

When corrections are necessary, the following procedures should be followed:

When the correction will result in a decreased suspension:

- These corrections may be made by the records custodian of the suspension database with the permission of Metro CIU.
- Deputies/detectives should attempt to contact the suspended person by phone about the error
- Regardless of whether or not the person was contacted by phone a letter shall be sent notifying the person of the amended terms of the suspension.
- Amendments decreasing the length of the suspension by 24 hours or less shall not require notification

The suspension database should be updated as soon as is practical to reflect the correct term of suspension and/or delete the suspension

When the correction will result in an increased suspension:

- Suspensions may only be increased if the suspended person is issued a new notice in accordance with sections 13.4 and/or 13.5 of this SOP.

### **13.10 Records Retention and Paper Flow**

A member(s) of the Metro Transit Police administrative staff shall hold the following responsibilities:

- Maintain records of all suspensions issued by transit police deputies/detectives
- Keep records of actions and findings of the suspension panel
- Accurately maintain the suspension database
- Respond to requests for suspension records for the prosecutor's office or the suspension panel.
- All suspension records and documents shall be retained and/or purged in accordance with the current records retention schedule.

Metro Transit Officers:

- Suspension notices shall be turned into the appropriate receptacle prior to the end of shift so they can be entered into the database in a timely manner.
- Suspension notices not received within 72 hours may be considered invalid
- Suspension notices must have a case number to a corresponding IRIS report.
- Suspension notices should ordinarily be issued every time a transit deputy or detective takes enforcement action.

Other Authorized KCSO Deputies:

- Issued notices shall be faxed or emailed to the Metro Transit Police office using [metro.appeal.@kingcounty.gov](mailto:metro.appeal.@kingcounty.gov) or 206/684-2744 within 72 hours of issuance
- Suspension notices must either contain a case number to a corresponding IRIS report.
- Suspension notices not received within 72 hours may be considered invalid

### **13.11 Violations of Active Suspension Notices**

The following steps need to be articulated in the IRIS report in order for the King County Prosecutor's Office to file charges of Criminal Trespassing in violation of this suspension policy.

- When referring a trespass case based on multiple violations of active suspension notices, the case report should include the number of previously documented cases and the corresponding case numbers.
- Trespass arrests based solely on suspension violations are discouraged without multiple violations and articulable aggravating circumstances. The exception being a violation of a 365 day suspension which is only issued for a crime against a person(s). The KCPAO will always file on these per the filing standards.
- Articulate the purpose for which the person was originally suspended (KCPAO is much more likely to file if the person was suspended for assaulting an operator than if the person was suspended for sleeping in a shelter)
- Articulate any additional disruptive behaviors/transit violations the person was contacted for when arrested for violating an active suspension notice.

The following definition of transit property is printed on the back of suspension notices and shall be adhered to for the purpose of trespass arrests for violation of an active suspension notice:

- Transit Vehicle: buses, vans, or any other vehicle owned and operated by King County Metro Transit.
- Transit Station or Facility: All passenger facilities, including park and ride lots, transit centers, structures, and properties that are owned, leased, or held by King County Metro Transit, including the SODO Busway and Downtown Seattle Transit Tunnel. The Downtown Seattle Transit Tunnel includes all

areas of the tunnel and the boarding platform, the mezzanine, and street level areas of the International District Station, Pioneer Square Station, University Street Station, Westlake Station, and Convention Place Station. It also includes all stairs, escalators, elevators and other corridors used for the exclusive purpose of accessing the Downtown Seattle Transit Tunnel.

- Transit Shelters: Partially or fully enclosed bus shelters that are placed along Metro bus routes that are covered by an awning or a roof, including the ground space within the drip-line of shelters, that are designed to serve as covered area for boarding and de-boarding passengers, but do not include bus stops served solely by benches or signs.
- This suspension/expulsion does not include Sound Transit buses, trains, light rail, or facilities. It also does not include Community Transit, Pierce Transit, or other vehicles not readily associated with King County Metro Transit.

### **13.12 Metro Suspension Database**

- Authorized KCSO deputies and dispatchers shall rely on the Suspension Database for information regarding a person's suspension status. If any special details, circumstances, or rider contract stipulations exist, the suspended person's name will be highlighted in red in the database. If information on a suspension is being relayed to a deputy via dispatch, deputies should be made aware of any names listed in red so that special circumstances or restrictions may be taken into account.