



Legislation Text

File #: 2015-0256, **Version:** 3

A MOTION relating to the treatment of individuals for transit violations.

WHEREAS, public transportation plays a vital role in increasing mobility and access for juveniles and other individuals who lack a private means of transportation, who are poor, who live in communities without nearby purveyors of critical goods or services, who must travel for school, work and other opportunities, and other vulnerable individuals, and

WHEREAS, King County has a significant interest in eliminating barriers to juveniles and other individuals transporting themselves to and from school, workplaces, court-ordered obligations, appointments with case managers, mental health or substance abuse treatment, visits to doctors and other activities or appointments that benefit development and well-being, and

WHEREAS, King County has a significant interest in minimizing the number of juveniles processed through the criminal justice system for behavior that does not pose a threat to public safety, and

WHEREAS, Ordinance 16948 transformed the county's work on equity and social justice from an initiative to an integrated effort that applies the King County Strategic Plan 2010-2014's "fair and just" principle to all the county does in order to achieve equitable opportunities for all people and communities, and

WHEREAS, individuals throughout King County use the transit system operated by the county's transit division ("Metro"), and

WHEREAS, RCW 35.58.580 provides authority for fare enforcement and establishes failure to pay the required fare as a civil infraction, and

WHEREAS, RCW 35.58.590 allows for the prosecution for theft, trespass, or other charges of an individual in connection with fare evasion on more than one occasion within a twelve-month period and K.C.C.

28.96.010.B.13. makes fare evasion on a Metro bus a misdemeanor, and

WHEREAS, K.C.C. 28.96.410 and 28.96.430 provide for the suspension of the privilege of entering upon and using the Metro transit system and properties by a person who has violated a rule or provision of K.C.C. chapter 28.96 or any federal, state or local law, and

WHEREAS, the superior court, juvenile court department, and the district court, west division, Shoreline Courthouse, oversee cases involving juvenile fare evasion on facilities operated by Metro, and

WHEREAS, Metro, including its transit police, which is a unit of the sheriff's office, the prosecuting attorney's office and the department of public defense expend resources in connection with juvenile fare evasion on Metro, and

WHEREAS, both suspending for over twelve hours an individual's use privileges resulting from fare evasion, other failures to follow the Metro Transit Code of Conduct, or committing or allegedly committing nonviolent crimes or infractions on or in relation to Metro property without a court order and charging juveniles criminally in connection with fare evasion raise concerns about the impact on equity and social justice;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. It is the policy of the county that juveniles should not be charged criminally for fare evasion on Metro buses. Juveniles may still be issued civil citations for failure to pay appropriate fare on Metro buses, but failure to respond to these civil citations or to pay fines associated with these citations should not give rise to criminal charges.

B. It is also the policy of the county that both Metro's suspension of use process and the process to appeal any suspensions of use for violations of the Metro Transit Code of Conduct, infractions or criminal charges that do not involve violence should align with the county's equity and social justice principles in both intent and impact, and provide due process protections. Further, in considering more equitable processes, the potential impact of a suspension of use privileges on that individual's ability to attend school, to work, to comply with court-mandated appointments, to take part in mental health or substance abuse treatment or to

engage in other activities that may benefit the individual's development or well-being should be considered.

Whenever possible, the impact of a suspension of use privilege should be mitigated by creating reasonable and reasonably enforceable exemptions, including when a suspension of use becomes effective, and by reasonably calculating the length of the suspension to achieve its desired impact.

C. It is also the policy of the county to improve geographic equity of access to court for individuals living throughout King County who are cited with civil infractions for fare evasion.

D. It is also the policy of the county to ensure that relevant transit personnel achieve developmental competence in relation to working with juveniles through appropriate training.

E.1. The executive is requested to develop and transmit to the council:

a. a report including a work plan that provides options and recommendations on how to implement the transit-related policies described in subsections A. through D. of this motion. The report should also include: with respect to subsection B. of this motion, an option to implement the policy through court-issued suspension of use orders for periods longer than twelve hours; the estimated costs or savings associated with implementing these policies; an examination of the impact on public safety of these changes; and a summary of the equity and social justice implications of shifting from the current approach to the policies set forth in this motion; and

b. any legislation, including appropriation ordinances, needed to implement the policies.

2. The development of the plan, report, legislation and the amount of any proposed appropriation, should be undertaken by the executive in consultation with county staff including, but not limited to: representatives from the sheriff's office, the prosecuting attorney's office, the superior court, transit division, the district court, the department of public defense and the office of performance, strategy and budget. Community organizations focused on juvenile rights should also be consulted.

3. The executive should transmit:

a. the report, including the work plan, and a motion accepting both by March 1, 2016, in the form of

a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for

the transportation, economy and environment committee, or its successor; and

- b. any proposed legislation and appropriation ordinances by March 1, 2016.