

KING COUNTY METRO FARE ENFORCEMENT STANDARD OPERATING PROCEDURES

SOP-TS 102-05 Filing a Misdemeanor Fare Evasion or Theft 3rd Case

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Effective: 05/01/2013

Supersedes: FE MANUAL, Third Edition July, 2012

Issuing Office: KING COUNTY METRO TRANSIT SECURITY DIVISION

FARE ENFORCEMENT SOP: FILING A MISDEMEANOR FARE EVASION CASE

1.0 PURPOSE:

This directive establishes the Standard Operating Procedure to file a misdemeanor fare evasion case with the King County Metro Police Department.

2.0 SCOPE:

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

3.0 DEFINITIONS:

- a. **FEO** - Fare Enforcement Officer.
- b. **Filing Officer**- Designated and appointed by the Fare Enforcement Manager and Account Manager to review and submit misdemeanor fare evasion cases to MTP for filing.
- c. **KCC** – King County Code
- d. **MTP** - King County Metro Transit Police.
- e. **Misdemeanor Fare Evasion** – clear and habitual evasion of required fare payment within a twelve-month period.
- f. **TCC** - Transit Control Center.
- g. **RCW** – Revised Code of Washington.
- h. **SMC** – Security Monitoring Center

4.0 AUTHORITY:

RCW 35.58.590 and KCC 28.96.010.B.13 authorizes a law enforcement officer to prosecute for theft or fare evasion any individual that fails to pay the required fare on more than one occasion within a twelve-month period. It is the policy of King County Metro Policy for any evader that has been issued two citations in a 12 month period may be issued a citation for theft or misdemeanor fare evasion. The misdemeanor criminal citation(s) must be completed by the Detective/Police Officer. FEOs do not have the authority to file criminal charges.

RCW 9A.56.020 defines Theft as wrongfully obtaining or exerting unauthorized control over the property or services of another or the value thereof, with the intent to deprive the owner of such property or services.

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RCW 9A.56.050 translates theft in the third degree as property or services that does not exceed seven hundred fifty dollars in value.

Theft in the third degree is a gross misdemeanor.

Theft in the third degree is a criminal complaint. The burden of proof is “beyond a reasonable doubt” standard. A Civil Infraction has a lesser burden of proof. Only a “preponderance of evidence” is required. The narrative must articulate the evidence so any person reading the report would draw the same conclusion, that this subject, beyond a reasonable doubt, evaded fare on numerous occasions in a twelve (12) month period.

5.0 TYPES OF MISDEMEANOR CASES

- a. There are two types of Misdemeanor cases, On-view and charged via investigation.
 1. **On-view:** MTP Officer is on scene and either cites and releases the evader or arrests them and books them into jail. On-view may also be referred to as an in-custody case.
 2. **Via investigation:** FEO will compose and forward a Misdemeanor Statement to the Filing Officer for review and processing.

6.0 MULTIPLE CITATIONS REQUIRED:

Theft in the third degree and misdemeanor fare evasion cases apply to evaders that have been issued at least two (2) previous citations for a fare violation within the last twelve months. If there have only been two (2) previous citations, it is advised that the FEO contact the Filing Officer in order to determine whether or not the violation meets the criteria for a misdemeanor complaint.

7.0 DETERMINING PREVIOUS HISTORY FOR AN EVADER:

- a. Previous history may be obtained by running the evaders name through King County Metro SMC while in the field and prior to breaking contact with the evader, or by the FEO in the fare enforcement database once the FEO returns to the office.
- b. The evader's history must be verified in the King County Metro Fare Enforcement Warning/Citation/Misdemeanor Fare Evasion Log by the FEO.

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8.0 AN EVADER WITH MULTIPLE CITATIONS – Police Response:

- a. If it is determined in the field that a misdemeanor fare evasion case has been previously submitted to MTP for fare evasion, the FEO may request a police response.
- b. When the police respond, the FEO will inform the police officer of the evader's previous fare violation history.
- c. The police officer will take over the contact from the FEO and make the decision to arrest, cite and release or cite via investigation.
- d. If MTP arrests the evader, the FEO will provide a statement to the police officer with all the details of the contact and provide details about the previous citations. The previous citations will be copied and forwarded to the police officer. A copy of the statement and the previous citations will also be forwarded to the Filing Officer.
- e. In the event the MTP officer decides to charge the fare evader via investigation, the FEO will compose a Misdemeanor Fare Evasion Statement and forward it along with any evidentiary documentation to the Filing Officer for review and processing.

9.0 AN EVADER WITH MULTIPLE CITATIONS – No police response:

- a. The FEO may cite the evader via investigation.
- b. The FEO will research the subject by checking the King County Metro Fare Enforcement Warning/Citation/Misdemeanor Fare Evasion Log.
- c. The FEO will compose a Misdemeanor Fare Evasion or Theft 3rd Statement (see attached) and forward it along with any evidentiary documentation to the Filing Officer for review and processing.
 1. The Detective/Police Officer handling the case will decide whether to charge the subject with theft 3rd or misdemeanor fare evasion.
 2. FEOs will provide the corresponding misdemeanor statement.
 3. The narrative will identify the current violation.
 4. Outline all the previous citations and warnings in the additional information section.

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5. All evidence gathered from the previous warnings and citations will be compiled with the evidence of the current violation in chronological order. All of the subject's behavior and language will be noted in detail.
6. All original forms of evidence will be included in the misdemeanor statement upon submission.
 - a. FEOs will make copies of all original evidence prior to submitting to the Filing Officer.
7. The FEO will place a hard copy of the statement including all attachments in the Filing Officer box and also email a copy of the statement to the Filing Officer.

10.0 REVIEW:

The KCM Contract Security Coordinator or Delegate will ensure all Directives, Policies, and Procedures are reviewed at least annually to ensure compliance with King County Metro Security Division policy. Directives, Policies, and Procedures will be updated immediately if division procedure changes or when a facility adds or deletes post positions or procedures and duties.

11.0 SUPERSESSION: FE MANUAL 7/2012, Third Edition

12.0 EFFECTIVE DATE: 05/01/2013

ISSUING AUTHORITY

Gail Israelson
KCM Contract Security Coordinator

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13.0 ATTACHMENT (2 Forms):

King County Metro Fare Enforcement Misdemeanor Fare Evasion Statement

KC Metro Police Case #	13-12345
Subject Name:	Harrison, John L.
KCM Fare Enforcement Incident #	13-0401153512
Citation #	MT12345
SFD Run #	N/A

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I, John Doe, am employed as a Fare Enforcement Officer for King County Metro.

On 06-26-2011, at approximately 1638 hours, I was in full uniform, and conducting a fare inspection on the Rapid Ride A-Line, coach #2002, while traveling northbound from 240th St. I announced to passengers that I would be coming through the coach to conduct a fare inspection. At that time, I instructed all passengers to present proof of payment

While inspecting fares, I contacted an Other/Male/Adult, who presented an expired King County Metro Bus transfer that was green in color and bared the letter M on the front. The valid transfer for this day was black in color with a letter X marking. I informed the subject that the transfer he had presented was expired and is not considered valid fare. I then offered to give him additional time to search his pockets and/or backpack for the correct transfer. At which time, the subject responded with, "No man, this is what the driver gave me... it's all I got." I then requested the subject to present identification. The subject presented a Washington State Identification card that closely matched his physical description, and which identified him as JOHN L. HARRISON (DOB: 00-00-0000). I then requested that HARRISON exit the coach with me at 240th Street and Pacific Hwy; HARRISON complied. I recorded Harrison's information and captured a photo of his identification with my issued digital camera.

I checked HARRISON's information with King County Metro Security Monitoring Center and was advised that he was listed in the King County Metro Fare Enforcement Warning/Citation Log as documented in the Additional Information section below. I asked HARRISON why he had produced the expired transfer. Harrison stated the reason he presented the expired transfer was because he did not have enough money to pay for his ride. I asked HARRISON if, during his current trip, the bus driver handed him the same transfer he presented to me. HARRISON replied with, "Like I just told you... no! I used an old one because I didn't have enough money to pay for the bus ride!" I advised HARRISON that based on his extensive fare violation history he may be contacted by the King County Metro Police regarding additional charges.

I then informed HARRISON that if he wanted to continue to ride the Rapid Ride bus, he would have to purchase valid fare. HARRISON flipped me off while walking away. I then broke contact with HARRISON and resumed my duties.

I have composed this statement to be forwarded to the King County Sheriff's Office (King County Metro Division) to pursue possible criminal charges.

Additional Information					
Warnings (Fare Violations)					
Officer	Date	Time	Location	Direction	
J. Hieny	11-14-11	1434	A – LINE / 240 th	NB	
L. Schwarz	06-04-12	1035	D – LINE / 4 TH & Pike	SB	

Previous Citations (Fare Violations)					
Citation #	Officer	Date of Infraction	Time of Infraction	Location	Direction
MT06245	C. Martian	06-06-12	0954	A – LINE / 240 th	SB
MT06259	P. Como	06-20-12	0519	A – LINE / 216 th	NB

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Previous Cases Referred To King County Sheriff's Office for Investigation of Misdemeanor Fare Evasion

Case #	Deputy	Date	Time	Location	Direction
11-094860	C. Ecilop	06-21-12	2216	D – Line / 4 th & Pike	SB

Witness

Name	Badge Number	Signature
FEO John Smith	01234	

(Print)

(Sign)

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE. I WILL ASSIST IN THE FULL PROSECUTION OF THIS INCIDENT IN ANY WAY POSSIBLE.

Reporting Officer:	John Doe		
Signature:		Badge Number:	01111
Date and Place:	06-26-2012	Seattle WA, King County	

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King County Metro Fare Enforcement Theft of Services Statement

KC Metro Police Case #	13-12345
Subject Name:	Harrison, John L.
KCM Fare Enforcement Incident #	13-0401153512
Citation #	MT12345
SFD Run #	N/A

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Case #	Deputy	Date	Time	Location	Direction
11-094860	C. Ecilop	06-21-12	2216	D – Line / 4 th & Pike	SB

Witness		
Name	Badge Number	Signature
FEO John Smith <i>(Print)</i>	01234 <i>(Sign)</i>	

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE. I WILL ASSIST IN THE FULL PROSECUTION OF THIS INCIDENT IN ANY WAY POSSIBLE.

Reporting Officer:	John Doe		
Signature:		Badge Number:	01111
Date and Place:	06-26-2012	Seattle WA, King County	