

 <p>TRANSIT POLICE King County Sheriff's Office</p>	<p>SECTION: 23</p>
<p>Prepared by: Captain Lance Dauber</p>	<p>Subject: Suspension Panel</p>
<p>Approved by: Major Dave Jutilla</p>	<p>Issue Date: 11/01/11 Effective Date: 11/01/11 Revision Date: 05/14/15</p>

23.1 Suspension Panel

The purpose of the suspension panel is to review suspensions for compliance with related Policy and SOPs in an impartial and consistent manner. Reviews may be at the request of the suspended person or the Metro Transit Police. The suspension panel may sustain, modify, repeal, or defer existing suspensions and may also issue suspensions.

23.2 Voting Quorum

The suspension panel is comprised of the following members:

- Sales and Customer Services manager and/or designee
- Chief of Transit Police and/or designee
- An operations supervisor selected by the operations manager

One member from each of the designated sections for a total of Three (3) members shall constitute a voting quorum.

23.3 Training

It is the responsibility of all suspension panel members to read, understand, and maintain a working knowledge of this SOP and King County DOT Administrative Policies and Procedures for Expulsions and Suspensions from Transit Property

23.4 Coordinator

A representative from Metro Transit Police shall act as the coordinator for the suspension panel. The responsibilities of the coordinator include but are not limited to the following:

- Arrange for note taking and/or record keeping of suspension panel meetings
- Set the dates, times, locations, and agenda for suspension panel meetings
- Provide any necessary equipment to facilitate the meeting (projector, computer, etc)
- Coordinate attendance and facilitation of suspension panel meetings
- Coordinating and responding to requests for appeal or review of existing suspensions

- Providing a summary for the suspension panel to review that includes (but is not limited to) a summary of the incident, a copy of the suspension notice, any aggravating or mitigating information, and any information provided by the suspended person.

23.5 Requesting an appeal

Persons wishing to appeal a suspension may request an appeal by:

- Submitting a written request to the General Manager's office
- Leaving a request on the Appeal Hotline, 206/255-4013
- Emailing the Metro Appeal email address (metro.appeal@kingcounty.gov)
- If an appeal request is not submitted by the suspended person directly, the person requesting the appeal must provide written verification, signed by the suspended person, that they are acting at the request of the suspended person.
- A written verification will only apply to suspensions that were in effect on or before the date the verification was signed.
- All appeal requests should be forwarded to Metro CIU

23.6 Rider contracts

The suspension panel may, at their discretion, issue Rider contracts to provide limited access to Metro Transit when a person is actively suspended.

- Suspended persons must be willing to sign and abide by all terms of the rider contract.
- Upon signing the contract, suspended persons will be provided with a copy of the contract.
- Suspended persons are responsible for ensuring that they keep a copy of the rider contract with them when utilizing Metro Transit and still actively suspended.
- Rider contract stipulations will be added to the suspension database
- Unsigned rider contract offers expire 30 days after authorized by the Suspension Panel.

The suspension panel delegates the authority to Metro CIU to offer rider contracts for suspended persons that meet the following criteria:

- Suspended for less than 60 days
- No previous rider contracts
- Willing to sign and abide by terms of contract
- No more than 1 previous suspension in the past 12 months

23.7 Appeals to the suspension panel

Actively suspended persons wishing to appeal their suspension to the suspension panel may do so regardless of whether or not they qualify for an administrative rider contract.

- The suspended person may submit information to be considered by the panel in writing or may address the panel in person or by phone.
- It is not a violation of the suspension policy for a suspended person to enter transit property for the purpose of attending a suspension panel meeting at the date/time/and location specified by the coordinator.
- A suspended person's decision not to attend or inability to attend the suspension panel meeting shall not change the effectiveness of the panel's decision.

- In addition to requesting a repeal of the suspension, the suspended person may also request that the panel modify or defer the suspension.
- Suspended persons are entitled to one review of their suspension while it is active.

23.9 Suspension review

Suspension notices may be referred to the panel by Metro Transit Police for review. Notices may be forwarded to the panel for review either prior to or after issuance. The suspension panel's decisions should be based on a preponderance of the evidence. According to the Washington State jury instructions, a preponderance of the evidence is:

“When it is said that a party has the burden of proof on any proposition or that any proposition must be proved by a preponderance of the evidence, or the expressing “if you find” is used, it means that you must be persuaded, considering all the evidence in the case, the proposition on which the party has the burden of proof is more probably true than not true.” (WPI 21.01 Meaning of Burden of Proof-Preponderance of the Evidence)

23.10 Suspensions issued by the suspension panel

The suspension panel may issue suspensions. The remaining indefinite suspensions are subject to review no less than once per calendar year. Indefinite suspensions are being phased out and no longer issued.

- The suspension panel may issue suspension notices when, based on a preponderance of the evidence, the suspension panel believes the person committed a transit violation, regardless of whether or not enforcement action was taken.

23.11 Guidelines

Whether the suspension is being appealed, reviewed, or issued, the suspension panel should consider the following criteria:

- Did the person commit a Transit Violation?
- Was Enforcement Action taken?
- If applicable, was the violation a Crime Against a Person?

The suspension panel may also consider the following when evaluating a suspension:

Seriousness and nature of the transit violation:

- Safety of transit operators, passengers, and the public.
- Length of the suspension that is appropriate for the specific offense
- Date of the offense
- Amount of time the offender has been in the community
- Any aggravating or mitigating circumstances

The suspension panel may decide a case in the following ways:

- Sustained-Suspension is affirmed
- Modified- Certain modifications may be made to the scope of the suspension notice
- Deferred-Suspension delayed for a period of time.

- Repealed- Suspension overturned, riding privileges reinstated. Record of the suspension will be purged from the suspension database.

After appropriate presentations and discussion of the suspended person's status have concluded, the suspension panel will be allowed to deliberate. After deliberation, a panel member will call for a motion to vote on the case. Suspension panel decisions will be based on a preponderance of the evidence, the current suspension policy, and information presented in the summary and/or by the suspended person or his/her representative. Decisions will be made by a simple majority. Decisions of the suspension panel are final on behalf of Metro Transit and King County.

23.12 Notifications

If the suspended person is not present at the panel, notification of the suspension panel's decision shall be made or mailed no later than ten (10) days after the suspension panel's determination.

23.13 Records

Suspension panel decisions will be documented on the bottom of a suspension panel summary by the meeting facilitator. This completed document will serve as the official record of the suspension panel meeting. Upon request, a copy of this record may be provided to suspended persons by the suspension panel coordinator. Audio recordings should be made when case information is presented to the suspension panel orally that is not included in the brief. Audio recordings will not be made of suspension panel deliberations.