



Approved: 	ADMINISTRATIVE POLICY AND PROCEDURES	No. 45
Deputy Chief Executive Officer  Sound Transit Police Chief	Subject: Expulsion and Suspension from Sound Transit Facilities Date Issued: <u>7-9-2012</u> Effective Date: <u>8-1-2012</u> Revision Date: _____	

**EXPULSION AND SUSPENSION
FROM SOUND TRANSIT FACILITY AND VEHICLES**

1.0 Purpose

The purpose of this policy and procedure is to identify the process to order expulsions and suspensions for Transit Violations from Sound Transit Facilities pursuant to the Sound Transit Board's adopted Expulsion and Suspension Policy, Resolution No. R2010-07.

2.0 Definitions

2.1 The definitions set forth in federal, state or local law shall apply to the terms used in this policy and procedure except as otherwise provided.

2.2 In addition, the following terms used herein shall have the following meanings:

a. **Crime Against a Person** – For the purpose of this policy and procedure a Crime Against a Person means any Transit Violation that is an assault or harassment against a person or their property or any indecent liberties or exposure as defined by the Revised Code of Washington (RCW) or any other applicable federal, state or local law.

b. **Enforcement Action** – An action taken by a Sound Transit Police Deputy or another Police Officer to file, or commence the process for filing, a civil infraction case 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.

c. **Expulsion** – An order, given orally or in writing, to leave and/or refrain from entering or utilizing a Sound Transit Facility as described in Section 5.0 of this document.

- d. **Police Officer** – A commissioned Police Officer or deputy sheriff acting in the course of employment by a jurisdiction located within the State of Washington.
- e. **Preponderance of the Evidence** – The Suspension Panel members must be persuaded, considering all of the evidence in the case, that the proposition on which the party has the burden of proof is more probably true than not true.
- f. **Suspension** – The loss of a person’s privilege to enter or utilize a Sound Transit Facility for a specified period of time.
- g. **Suspension Database** – A record of current Suspensions maintained by King County Metro Transit Police in conjunction with the Sound Transit Police Department.
- h. **Suspension Notice** – Written Notice issued by a Sound Transit Police Deputy or the Suspension Panel describing the length and nature of the Suspension and options for appeal of Suspension.
- i. **Suspension Panel** – A Panel, as described in Section 5.0 of this policy and procedure, assembled on behalf of and at the direction of the Chief Executive Officer for the purpose of reviewing, modifying, and issuing Suspension Notices.
- j. **Sound Transit Police** – Police Officers employed by the King County Sheriff’s Office and assigned to the Sound Transit Police.
- k. **Sound Transit Police Chief** – A representative of the King County Sheriff’s Office who has been selected to oversee the Sound Transit Police Department.
- l. **Sound Transit Police Deputy** – A Police Officer, regardless of rank or position, employed by the King County Sheriff’s Office and assigned to or representing the Sound Transit Police.
- m. **Sound Transit Facility** – A vehicle or facility owned or operated by Sound Transit.
- n. **Transit Violation** – An act that violates RCW 9.91.025, RCW 81.112, or any other federal, state or local law, when that act is committed in, on or against a Sound Transit Facility, including any employees, vehicles, zones, equipment, property, or facilities leased, owned or operated by Sound Transit, including any person riding, waiting for, or disembarking from a vehicle.

3.0 Statement of Policy

Sound Transit is vested with all powers necessary to implement a high capacity transportation system. In order to maintain a safe, secure and orderly system, in addition to criminal and civil penalties applicable under federal, state and local law, a person entering upon a Sound Transit Facility or using the transit system who commits a Transit Violation may be subject to the following:

- Immediate Expulsion from Sound Transit facilities; and/or
- Suspension of the privilege of entering upon and using Sound Transit Facilities

Any violation of a Suspension or Expulsion issued in accordance with this policy and procedure shall subject the violator to arrest and/or prosecution for criminal trespass. A Suspension is effective upon service.

Sound Transit will coordinate with its operating partners in the implementation of the policy, including honoring bus suspensions issued by them.

4.0 Sound Transit Facilities operated by King County

4.1 A person who has been issued a final decision of the County pursuant to section 12 of King County's *Expulsions and Suspensions from Transit Property and Vehicles* administrative policy and procedure may appeal the County's decision pursuant to section 6.0 below.

5.0 Expulsions and Suspensions performed by Sound Transit on Sound Transit Facilities

The following policy and procedures will apply to expulsions and suspensions issued by Sound Transit on Sound Transit Facilities.

5.1 Immediate Expulsion

Any Police Officer is hereby authorized to immediately expel from a Sound Transit Facility a person who commits a Transit Violation by issuing such person an order to immediately exit the property.

An Expulsion order issued under this section shall be effective for twelve (12) hours following the Expulsion and shall not thereafter constitute a Suspension of a person's privilege to re-enter a Sound Transit Facility. Failure to immediately comply with an Expulsion order and remain off a Sound Transit Facility while the Expulsion Order is in effect shall be grounds for arrest and/or prosecution for

criminal trespass. A person can be expelled from a Sound Transit Facility orally or in writing. Twelve (12) hour Expulsions are not subject to appeal or review by the Suspension Panel.

5.2 Suspension by Sound Transit Police

a. When a Sound Transit Police Deputy has probable cause to believe that a Transit Violation has occurred and Enforcement Action is taken a Suspension Notice may be issued in accordance with the following:

- If the Transit Violation is an infraction, the period of Suspension shall be seven (7) days.
- If the Transit Violation is a criminal Transit Violation not otherwise defined in this policy, the period of Suspension shall be fourteen (14) calendar days.
- If the Transit Violation is a violation for an active Suspension Notice, the period of Suspension shall be thirty (30) calendar days.
- If the Transit Violation is vandalism, trespass (not including the violation of a current suspension or expulsion notice), fraud, or the dumping of chemicals/hazardous and or toxic materials committed against Sound Transit, or any violation of the Uniform Controlled Substance Act (VUCSA), the Suspension period shall be sixty (60) calendar days.
- Persons committing a Transit Violation that also constitutes a Crime Against a Person or involves a firearm or other dangerous weapon may be suspended from a Sound Transit Facility for three hundred sixty-five (365) days.

b. Multiple Suspensions that overlap shall be served consecutively, not concurrently. For example, a person who has served two (2) days of a seven (7)-day Suspension and is suspended for another thirty (30) days shall complete the seven (7)-day Suspension before commencing the thirty (30)-day Suspension.

c. If, after the initial Suspension Notice is issued, it is determined that a different Suspension period was warranted under the provisions of Subsections 5.2, the Sound Transit Police Chief or his designee may issue an amended Suspension Notice correcting the period of Suspension. The suspended person shall be notified of this change

and the Suspension Database shall be updated to reflect the change to the Suspension.

d. Persons who violate the Suspension Notice are subject to arrest and prosecution for criminal trespass by any Police Officer. The person being suspended need not be found guilty of the underlying civil infraction or criminal charge in order for a Suspension Notice to be effective.

5.3 Administrative Review of Suspension

Upon issuance, all Suspension Notices will be subject to an administrative review by the Sound Transit Police Chief or his/her designee. This review shall take place prior to entering the suspension into the Suspension Database. Suspensions may be modified or dismissed by the Sound Transit Police Chief or his/her designee, pursuant to this policy.

5.4 Suspension Panel

The Suspension Panel shall act on behalf of and at the direction of the Chief Executive Officer. The Suspension Panel shall be comprised of the following three (3) members:

- Sound Transit Police Chief or designee;
- The Operations Director or designee; and
- The Sound Transit Customer Service Manager or designee.

One (1) representative from each of the designated sections for a total of three (3) members shall constitute a voting quorum. Suspensions and appeal decisions will be decided by a simple majority.

The Sound Transit Police Chief or designee shall serve as coordinator of the Panel. The coordinator is responsible for organizing and scheduling Panel meetings, and gathering and presenting information on behalf of Sound Transit regarding the suspended person(s) to be discussed at the meeting. The coordinator will also be responsible for presenting the Panel with a summary and other information pertinent to the case being heard by the Panel. The coordinator shall arrange for note taking and organization of meeting minutes, findings, and other paperwork relating to the Suspension Panel meetings.

For the purposes of the Suspension Panel, the Suspension Notice, including any written report submitted by the person who issued the suspension, is sufficient to establish that the person committed the violation as described.

5.5 Suspensions by Suspension Panel

a. The Suspension Panel may issue a Suspension Notice to a person whose actions or threats constitute a Transit Violation, whether or not a Notice of Civil Infraction or a criminal citation has been issued. Requests for Suspensions by the Suspension Panel should be directed to the Sound Transit Police Chief or his/her designee. Any request to the Suspension Panel shall be accompanied by a summary of the available information about the Transit Violation and copies of any related documents.

b. If, based on the evidence presented, the Suspension Panel finds by a Preponderance of Evidence that a person committed a Transit Violation, and that such violation warrants a Suspension of privileges, the Panel may issue such person a written Suspension Notice suspending his/her privileges to enter a Sound Transit Facility and use the transit system. The Suspension Panel may consider the following criteria in determining the length of the Suspension:

- The seriousness of the Transit Violation;
- The offender's history of prior Transit Violations; and
- The safety of transit operators, passengers and the public.

c. The length of the Suspension shall be determined based on the above criteria and the provisions contained in Section 5.2. Based on these criteria, Suspensions may be for any length of time, including indefinitely. Indefinite Suspensions shall require a unanimous vote by the Suspension Panel and shall be subject to review at regular intervals, not less than annually, as established by the Suspension Panel.

5.6 Suspension Notices

Notice of Suspension from a Sound Transit Facility shall be in writing and signed by the issuing Sound Transit Police Officer or the Sound Transit Police Chief or his/her designee. The Notice of the Suspension shall include the following:

- Reason for the Suspension;
- Duration of the Suspension;
- Failure to immediately comply with the order shall be grounds for prosecution and/or arrest for criminal trespass; and

- Right to a review of the Suspension and method for requesting a review.

5.7 Delivery

The Transit Police Chief or his/her designee may deliver a Suspension Notice by personal delivery. The Sound Transit Police Chief or his/her designee may also issue Suspension Notices via certified mail delivery provided by the United States Postal Service (USPS). Suspension Notices Issued by the Suspension Panel that are to be delivered by USPS will be referred to the Sound Transit Police Chief or his designee for delivery.

- a. The Sound Transit Police Chief or his/her designee issuing a Suspension Notice via USPS certified mail shall make a reasonable effort to verify the person's last known address.
- b. The effective date of the Suspension shall be fourteen (14) days from the date the Suspension Notice is mailed.

6.0 Appeal/Review of Existing Suspensions

6.1 A person may request a review of an active Suspension Notice issued by King County pursuant to Section 4.0, a Sound Transit Police Officer pursuant to Section 5.2, or the Suspension Panel pursuant to Section 5.4, by submitting a request to Sound Transit. If the request is not submitted by the suspended person directly, the person requesting the suspension must provide written verification, signed by the suspended person, that they are acting at the request of the suspended person. This Section does not apply to twelve (12) hour Expulsions from a Sound Transit Facility. Suspended persons are entitled to one (1) review of their Suspension by the Suspension Panel.

6.2 Suspension review requests must be in writing and delivered in the following manner:

- By emailing suspensionhearing@soundtransit.org
- Personal Delivery to the Sound Transit Headquarters;
- By Mail Delivery to the Office of the Chief Executive Officer at:

Sound Transit
401 S. Jackson St.
Seattle, WA 98104-2826

6.3 Suspension from a Sound Transit Facility shall not prohibit a person from entering Union Station for the purpose of submitting a request for review. A Suspension shall not prohibit a person from entering the building designated as the meeting place for the Suspension Panel hearing at the date and time of the

the meeting place for the Suspension Panel hearing at the date and time of the hearing. Upon request, reasonable accommodations will be made for people with disabilities.

6.4 At the Suspension Panel review hearing, the suspended person will present his or her reasons why the Suspension Notice should be modified, deferred, or repealed. The Suspension Notice, including any written report submitted by the person who issued the Suspension, is sufficient to establish that the person committed the violation as described.

6.5 The Suspension Panel will make the following findings based on a Preponderance of the Evidence:

- Sustained – Suspension is affirmed;
- Repealed – Suspension Notice overturned, riding privileges reinstated. Record of the Suspension will be purged from the Suspension Database.
- Modified – Certain modifications may be made to the scope of the Suspension Notice;
- Deferred – Suspension delayed for a period of time. If no new Transit Violations are committed during the period of deferral, the Suspension will be terminated. A record of the Suspension will remain in the Suspension Database and be used in the calculation of any new Suspensions; or

6.6 If the suspended person is present at the review hearing, in person or by telephone, the Suspension Panel will notify the suspended person verbally of their decision at the conclusion of the hearing. The Suspension Panel will notify the suspended person in writing within ten (10) business days of their decision.

The Suspension Database will be updated to reflect the findings of the Suspension Panel. The findings of the Panel shall serve as the final decision on behalf of Sound Transit.

7.0 Annual Review

7.1 This policy shall be reviewed annually.