



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 5, 2016**

**Motion 14675**

**Proposed No. 2016-0238.1**

**Sponsors Upthegrove**

1           A MOTION relating to public transportation, accepting a  
2           report, including a work plan, that provides options and  
3           recommendations on how to implement transit-related  
4           policies in response to Motion 14441.

5           WHEREAS, Motion 14441, was passed by the council October 26, 2015; and

6           WHEREAS, it is the policy of the county that juveniles should not be charged  
7           criminally for fare evasion on transit division (also known as "Metro Transit") buses.  
8           Juveniles may still be issued civil citations for failure to pay appropriate fare on Metro  
9           Transit buses, but failure to respond to these civil citations or to pay fines associated with  
10          these citations should not give rise to criminal charges, and

11          WHEREAS it is also the policy of the county that both Metro Transit's suspension  
12          of use process and the process to appeal any suspensions of use for violations of K.C.C.  
13          chapter 28.96 (commonly known as "the Metro Transit Code of Conduct"), infractions or  
14          criminal charges that do not involve violence should align with the county's equity and  
15          social justice principles in both intent and impact, and provide due process protections.  
16          Further, in considering more equitable processes, the potential impact of a suspension of  
17          use privileges on that individual's ability to attend school, to work, to comply with court-  
18          mandated appointments, to take part in mental health or substance abuse treatment or to  
19          engage in other activities that might benefit the individual's development or well-being

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

24 WHEREAS, it is also the policy of the county to improve geographic equity of  
25 access to court for individuals living throughout King County who are cited with civil  
26 infractions for fare evasion, and

27 WHEREAS, it is also the policy of the county to ensure that relevant transit  
28 personnel achieve developmental competence in relation to working with juveniles  
29 through appropriate training, and

30 WHEREAS, the council requested that the executive develop and transmit to  
31 council a report, including a work plan, that provides options and recommendations on  
32 how to implement the transit-related policies described in Motion 14441, subsections A.  
33 through D., and

34 WHEREAS, the report should also include, with respect to Motion 14441,  
35 subsection B., an option to implement the policy through court-issued suspension of use  
36 orders for periods longer than twelve hours, the estimated costs or savings associated  
37 with implementing these policies, an examination of the impact to public safety of these  
38 changes and a summary of the equity and social justice implications of shifting from the  
39 current approach to the policies in Motion 14441, and

40 WHEREAS, the report should be undertaken by the executive in consultation with  
41 county staff including but not limited to: representatives from the sheriff's office, the  
42 prosecuting attorney's office, the superior court, the district court, the transit division, the

43 department of public defense and the office of performance, strategy and budget, as well  
44 as in consultation with community organizations focused on juvenile rights;

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

46 The council hereby accepts the report and work plan, which are included in  
47 Attachment A to this motion, and by doing so agrees that following the recommendations  
48 contained in the report and work plan will:

49 A. Implement council policy direction related to the penalty for juvenile fare  
50 evasion; and

51 B. Implement policies and practices related to Metro Transit's suspension of use  
52 process and the process to appeal suspensions issued for nonviolent violations of the

53 Metro Transit Code of Conduct that align with the county's equity and social justice  
54 principles in both intent and affect.  
55

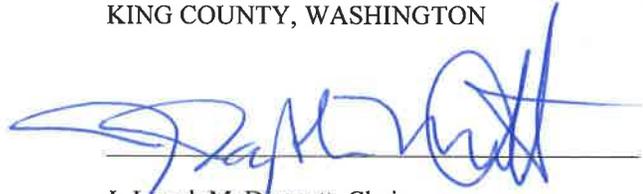
Motion 14675 was introduced on 5/9/2016 and passed by the Metropolitan King County Council on 7/5/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci

No: 0

Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments:** A. Transit Safety and Equity Report - Response to King County Council Motion 14441

**Transit Safety and Equity Report**  
**Response to Metropolitan King County Council Motion 14441**



**King County**

**Prepared by: King County Metro Transit**

**April 2016**

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## Executive Summary

In October 2015, the King County Council passed Motion 14441, which addressed a number of key elements concerning transit violations on Metro Transit. These included decriminalizing juvenile fare evasion, improving equity, revising due process in the suspension of use procedure, making courts more accessible for those cited for fare evasion by having their hearing closer to their home, and increasing transit personnel's competency in working with juveniles.

In response to the Council's direction, King County Metro Transit (Metro) brought together representatives from across the agency and county, including the King County Sheriff's Office, Department of Transportation, Department of Public Defense (DPD), the District Court, the Superior Court, Prosecuting Attorney's Office (PAO), Hearing Examiner, and stakeholders from social justice advocacy organizations. This group, dubbed the Transit Safety and Equity Work Group, through eleven meetings held over five months, worked through key issues in order to develop an improved model for transit enforcement aligned with King County Equity and Social Justice principles. The report includes a work plan indicating how the proposals outlined in the report would be implemented. To assist the policymakers on the Council, this report attempts to reflect an accurate picture of the Work Group's extensive deliberations.

The intent of Motion 14441, in part, is to ensure that Metro's suspension policy "should align with the county's equity and social justice principles in both intent and impact, and provide due process protections." An important data point on racial disproportionality relevant to Equity and Social Justice (ESJ) issues emerged during the Work Group proceedings: that African-Americans are issued 45% of suspensions while constituting 6% of Metro ridership.

The report contains the following proposals:

- Proposed changes to agency policy, standard operating procedures, and proposed changes to county code, to decriminalize fare evasion for juveniles on Metro Buses;
- Proposed suspension appeal process be redesigned to improve equity, including a bifurcated process that would allow a) an appeal hearing before an impartial fact finder—the King County Hearing Examiner—for those who wish to contest the facts underlying their suspension or the lawfulness of that suspension and b) a mitigation process before a panel that will no longer include Transit Police; includes access to request mitigation over the phone; and quicker decision-making turn-around;
- Proposed improvement of increased geographic access with the option to have fare evasion infraction hearings located at Burien or Issaquah courts, as well as Shoreline. This may expand further as the court system increases its ability to hear cases at even more locations and with the implementation of electronic case management; and

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- Proposed plan to train relevant transit personnel to work more effectively with juveniles by using a customized training curriculum designed to improve enforcement-to-youth interactions.

Of the items outlined in the motion, the Work Group deliberated the most on one: Metro's current suspension policy. As noted above, the report proposes changes to the current suspension policy in terms of how suspensions are appealed or mitigated. Additionally, the report proposes a change to the current policy of suspending an individual who commits a first-time, low-level offense. It is proposed that those who commit lower-level infractions will not be suspended, but rather will receive a verifiable Written Warning Notice of conditions of use for transit facilities, facilitating enforcement and/or subsequent suspension of riding privileges should the behavior be repeated, which includes issuing a copy of the Metro Transit "Code of Conduct". Those whose initial offense is more serious will be provided with a "rider contract" to allow them continued, but limited, access to transit pending a more thorough mitigation review (or an appeal hearing) by the Suspension Mitigation Panel (explained further in Appendix C). This proposed change, developed in concert with DPD, Public Defenders Association (PDA), and TeamChild, represents a written warning for a first violation and the possibility of suspension upon a subsequent violation.

Overall, this work group process has required Metro to focus on ways to improve relationships not only with juveniles, but also with adults who have found themselves on the other side of either the Metro Code of Conduct or the law, or both. Determining that the agency needed to have, as a priority, a fair and empowering process has paved the way for the Work Group to submit the report that follows.

The Work Group sought to balance the safety, security, and comfort needs of drivers and passengers while ensuring that policy was applied equitably and helped maintain access to transit whenever possible.

# Introduction

King County Metro Transit (Metro) prepared this report to the King County Council to comply with Council Motion 14441, regarding the treatment of individuals for transit violations.

The motion requests that the Executive:

- Work with county staff including representatives of the Sheriff's office, the Prosecuting Attorney's office, Public Defender's office, social justice advocates and the district, superior and juvenile courts,
- Develop and transmit to the Council a work plan for implementing the new policy direction,
- Review Metro's rider suspension practices and recommend modifications that consider and incorporate the principles of equity and social justice,
- Prepare and submit to Council a report that includes recommendations, estimates associated costs or savings, potential impact of modifications on public safety and a summary of the equity and social justice implications of policy changes and recommendations, and
- Prepare and transmit to Council required legislation and a supplemental appropriation, if needed to implement recommended policy changes.

# Background

## The "Fair and Just" Principle

This report was prepared in the context of King County's "fair and just" principle, which applies to all county activities in order to achieve equitable opportunities for all people and communities.

Ordinance 16948 defined equity and social justice and provided direction for the county's work to attain these ideals. It established determinants of equity, including transportation options that provide everyone with safe, efficient, affordable, convenient, and reliable mobility.

The process of preparing this report and the recommendations it presents reflect the county's firm commitment to fairness and equity.

## Motion 14441

The passed motion established as policy the decriminalization of fare evasion for juveniles. It does not suggest that juveniles are not required to pay the appropriate Metro fare for service, but rather directed how adopted fare policies are enforced. Juveniles who fail to present a valid unexpired pass, transfers, or tickets or otherwise fail to pay the appropriate fare as required under county code 28.96.010 are subject to a civil infraction.

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The motion also establishes three other new King County policies:

- A policy that Metro's suspension of use process and appeal process be aligned with adopted equity and social justice principles,
- A policy related to the geographic distribution of courts with the goal of providing equitable access for individuals that want to contest the infraction or attend a mitigation hearing to explain the circumstances related to the citation, and
- A policy that works to ensure fare enforcement officers, transit police, and other transit personnel that enforce Metro's Code of Conduct or are in contact with juvenile transit riders possess appropriate interpersonal skills, strategies to minimize tension, defuse conflict and understand equity and social justice.

## Legal Basis for Regulation of Conduct on Transit Properties

The purpose of the Code of Conduct is to ensure the safety, security, comfort and convenience of all those who use Metro's public transportation services.

The Revised Code of Washington provides the legal basis for King County to establish rules and regulations that define and govern activities on Metro vehicles and at facilities. King County Code 28.96 establishes those rules and regulations, prohibited activities and behaviors, enforcement, and remedies and sanctions. In addition to applicable civil and criminal sanctions, a person who has been issued a civil infraction or criminal citation or has been taken into custody for a violation of law may be immediately expelled from transit properties and/or suspended from using transit services and from entering upon transit property.

King County Code (KCC 28.94.12) authorizes the adoption of administrative rules and procedures as necessary to deliver public transportation services identified in Chapter KCC 28.94 and to achieve the Department of Transportation mission established in KCC 28.91: to provide the best possible public transportation services that improve the quality of life in King County.

## Application and Procedures Related to Expulsion, Suspension and the Suspension Appeal Process.

### Rider Expulsions and Suspensions

To provide a safe and secure environment for transit customers and employees, Metro may suspend the riding privilege of a person who has conducted an unlawful act, whether classified as a civil infraction or criminal violation of Washington State law (RCW 9.91.025 and RCW 66.44.250) or King County Code (KCC 28.96.010).

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Criminal violations of Washington State law may be felonies or misdemeanors. Criminal violations of the Metro “Bus Rider Code of Conduct” are misdemeanors, and may result in imprisonment for up to 90 days and/or a fine up to \$1,000. Code of Conduct civil infractions may result in a fine of up to \$250. Examples of criminal charges are vandalism and intentionally obstructing or impeding the flow of transit vehicles or passenger movements. Examples of civil violations are entering or crossing the transit tunnel roadway and parking a vehicle in a transit parking area for more than 72 hours. Metro’s Code of Conduct, with a full list of criminal and civil infractions, is in Appendix F.

King County Code (KCC 28.96.430) authorizes the Director of the Department of Transportation (DOT) to authorize department personnel to immediately expel individuals from transit service for the remainder of the day, or suspend individuals’ riding privilege for Metro Code of Conduct violations. The DOT Director has authorized Metro Transit Police (MTP) personnel to issue expulsions and suspensions. Transit Police may issue a suspension in conjunction with a citation or other enforcement action. The suspension may be based on personal observation or on witness reports normally relied upon by law enforcement during incident investigations. Transit Police may deliver a suspension in person in conjunction with a citation, infraction or other enforcement action, or by mail to the person’s last known address after the fact. Receipt of the suspension notice is either the time or date of the personal delivery or two-days after the notice is placed in the mail.

## Suspension Data

Data about who has been suspended and the reasons why may offer insights about the administration and impacts of transit suspensions. This section presents demographic information drawn from MTP suspension records.

The MTP records used for this analysis cover enforcement actions from May 1, 2015 through December 31, 2015 that resulted in suspension of riding privileges. Transit Police issued 603 suspensions, involving 519 individuals during this period. Transit Police issue suspensions only in conjunction with enforcement actions resulting from a violation of Metro’s Code of Conduct or a local, state, or federal law.

The vast majority of suspensions are issued to males with only 16 percent of suspensions issued to females during the period studied. The youngest person suspended from riding Metro was 12-years old at the time the suspension took effect. The oldest person suspended was 76-years old. The following charts included demonstrate suspension data by violation, race, age, and length of suspension.

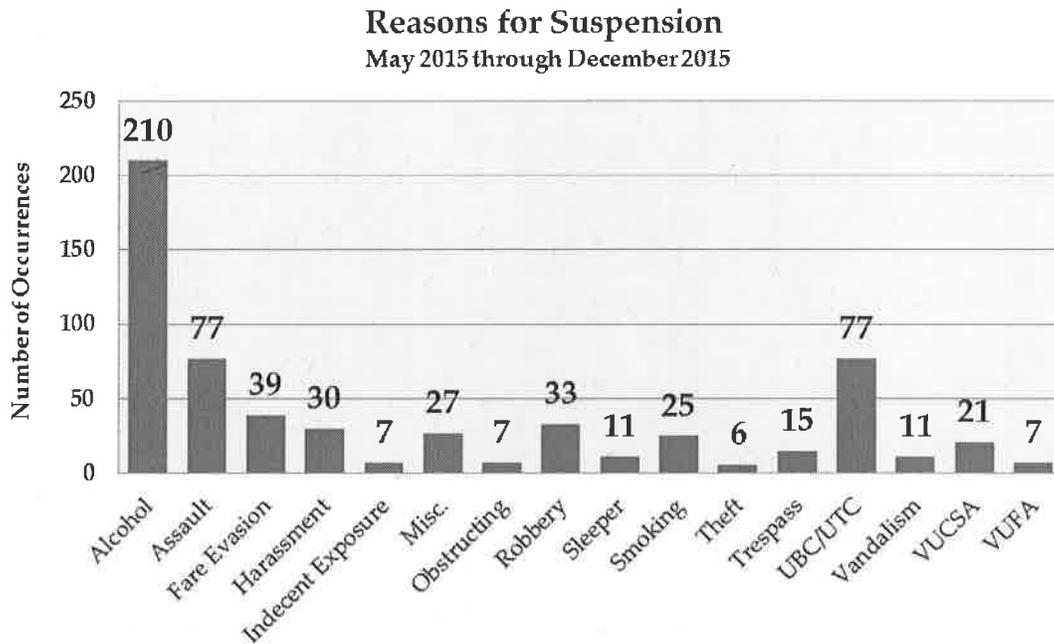
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## Reasons for Suspension

Figure 1 shows the number of suspensions issued by category of violation.

Figure 1: Reason for Suspensions



Category definitions are provided in Appendix D.

The miscellaneous category includes various civil infractions and criminal citations that have a low number of occurrences, such as camping, court order violation, drug paraphernalia, gambling, marijuana use, resisting arrest, unissued transfer, threat with firearm, unreasonable odor, vehicle prowling and prostitution. The miscellaneous category also includes seven suspensions for which the reason was not stated in the data set.

## Suspensions by Race

Figure 2 shows suspensions issued by race. Transit Police record the self-reported race of individuals who are issued a citation or infraction resulting in a suspension of riding privileges. Of the 519 individuals suspended (who received the 603 suspensions recorded during the recording period) 45% were Black as Figure 2 indicates. Metro's 2013 Rider/Non-Rider Survey sampled 1,400 Metro riders. Of those, 6 percent reported their race as Black or African American as Figure 3 indicates.

Care should be taken when comparing the racial proportion of those suspended with the racial makeup of King County, Seattle or Metro's overall ridership. Ideally, the racial composition of individual bus

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routes or transit corridors would be available for comparison. Metro does collect demographic characteristics of riders as part of a biennial Rider/non-Rider Survey. However, the survey's sample size is only adequate to produce reliable system-wide statistics, and not necessarily for a specific route or corridor.

Comparing the race of those issued suspensions with the racial proportions of Metro's ridership is an imperfect exercise. However, members of the Work Group that prepared this report expressed concern regarding the racial breakdown of those issued suspensions.

Metro's 2013 Rider/Non-Rider Survey sampled 1,400 Metro riders. Of those, 6 percent reported their race as Black or African American. The Black or African American percentage of regular riders<sup>1</sup> was slightly higher, at 8 percent. Whites or Caucasians comprise almost three-quarters of Metro riders and 71 percent of regular riders. Figure 3 shows the racial identity of Metro's ridership, based on Metro's 2013 Rider/Non-Rider Survey.

The Work Group concerns about the disproportionate racial representation of people who were suspended versus racial representation in the survey of all Metro riders motivated much discussion in their deliberations that ultimately led to some of the recommendations contained in this report.

Figure 2

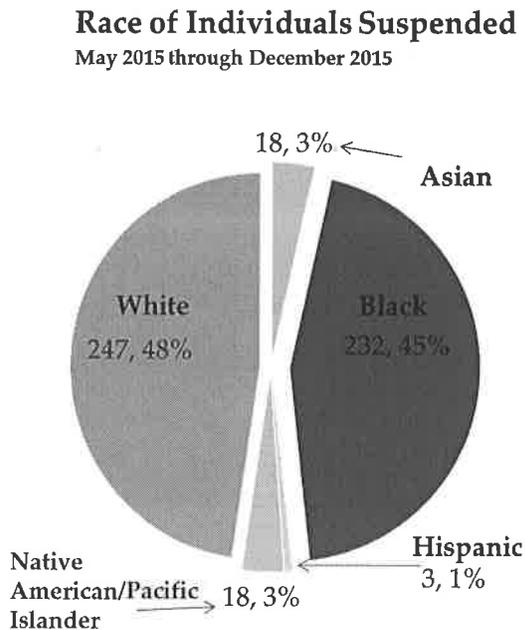
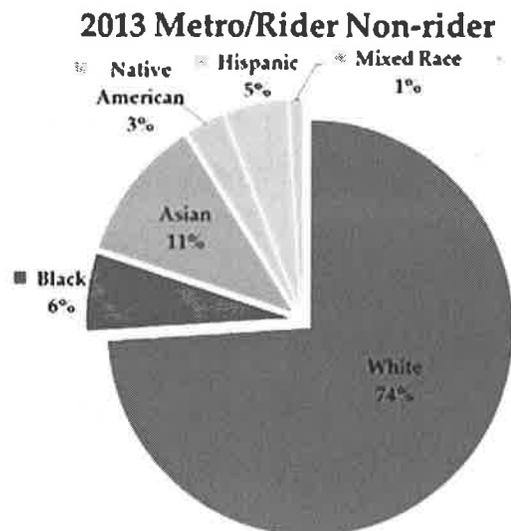


Figure 3\*



<sup>1</sup> Regular rider definition: riders that take five or more one-way trips on a Metro bus or streetcar in the 30 days preceding the survey.

\* 2013 Rider/Non-rider survey

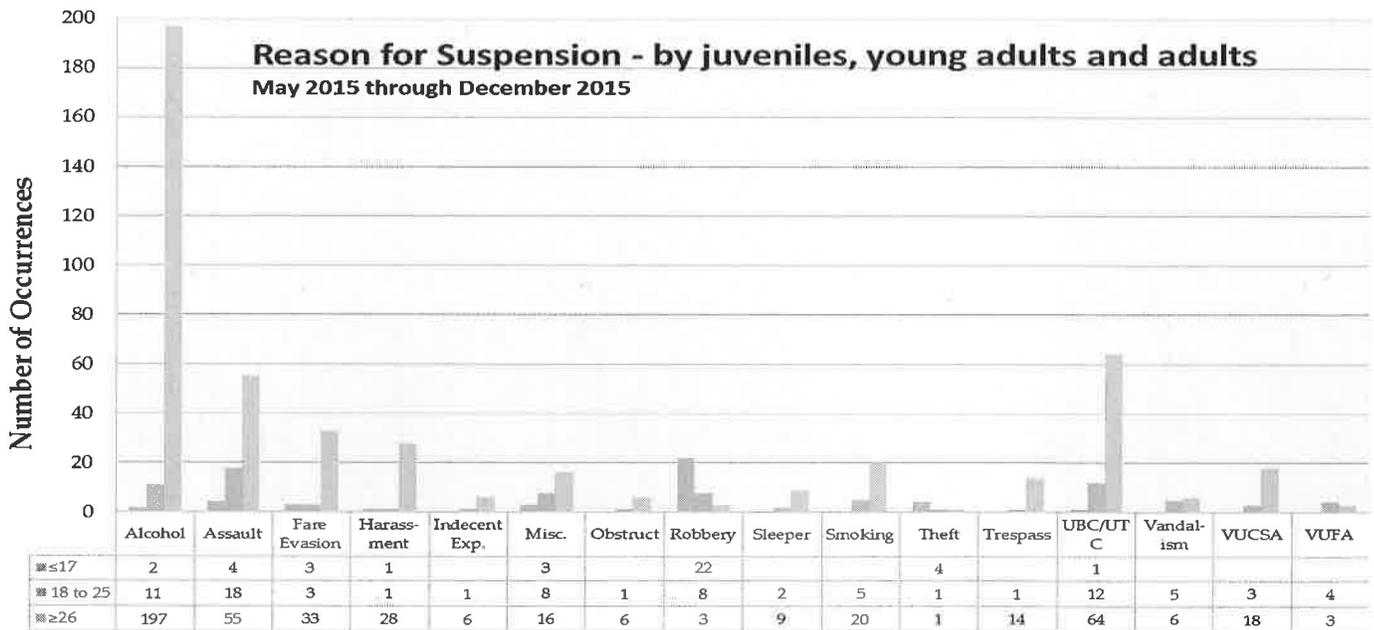
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## Reason for Suspension – Juveniles, Young Adults and Adults

Figure 4 shows the number and reason for suspension for three age categories.

Figure 4<sup>2</sup>



<sup>2</sup> UBC/UTC – Unlawful Bus Conduct/Unlawful Transit Conduct  
 VUCSA – Violation of Uniform Controls Substance Act  
 VUFA -- Violation of Firearms Act

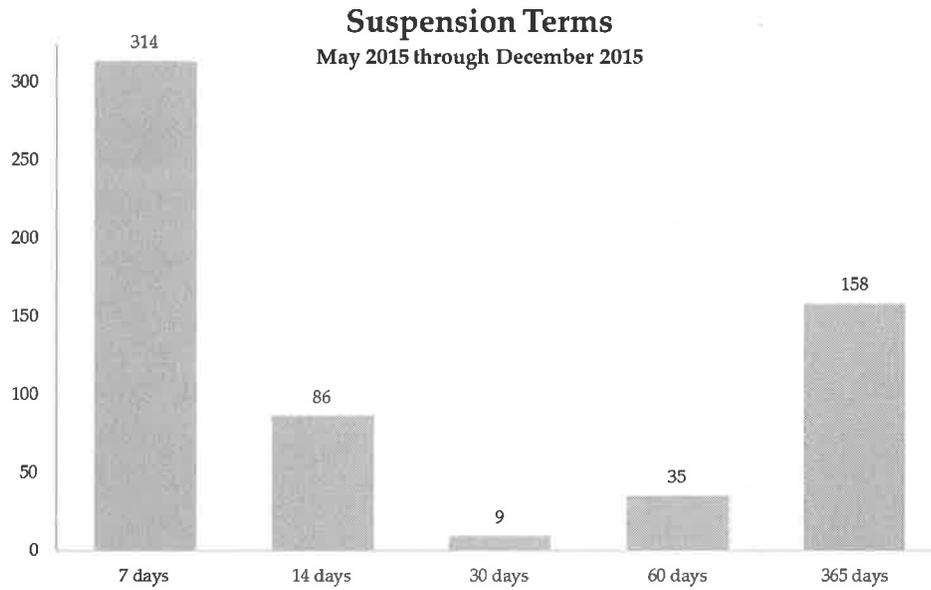
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## Suspension Terms

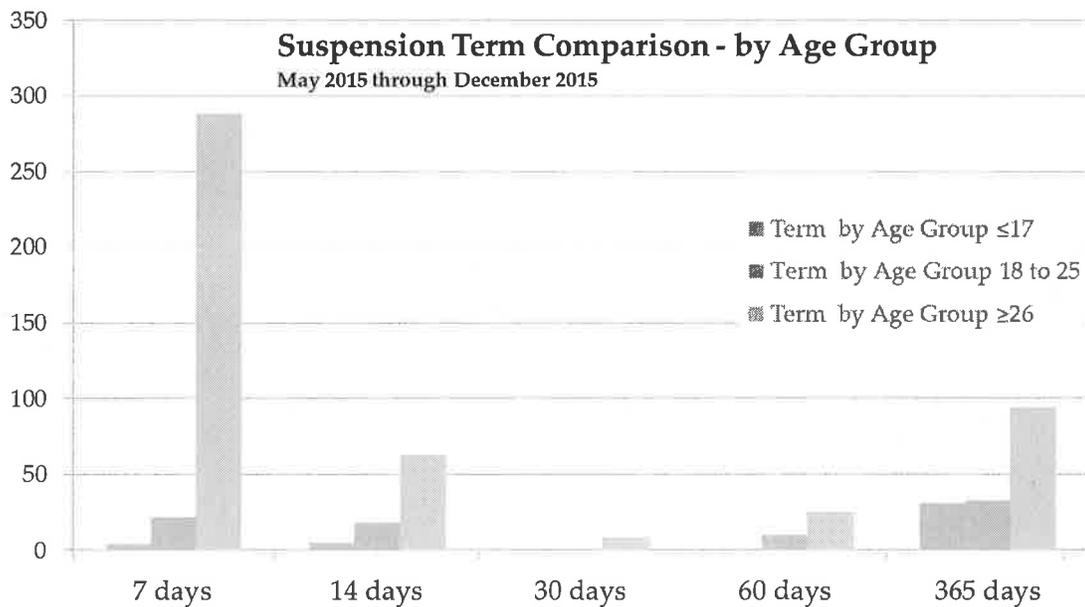
Figure 5 shows suspension terms and the number of suspensions issued for each term.

Figure 5



## Suspension Term Comparison by Age

Figure 6



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Figure 7 shows the race of those suspended by seven age categories. For all age groupings, but especially those 35 and under, Blacks or African Americans are suspended at a higher rate than other races.

Figure 7

## Races of those Suspended by Age Group

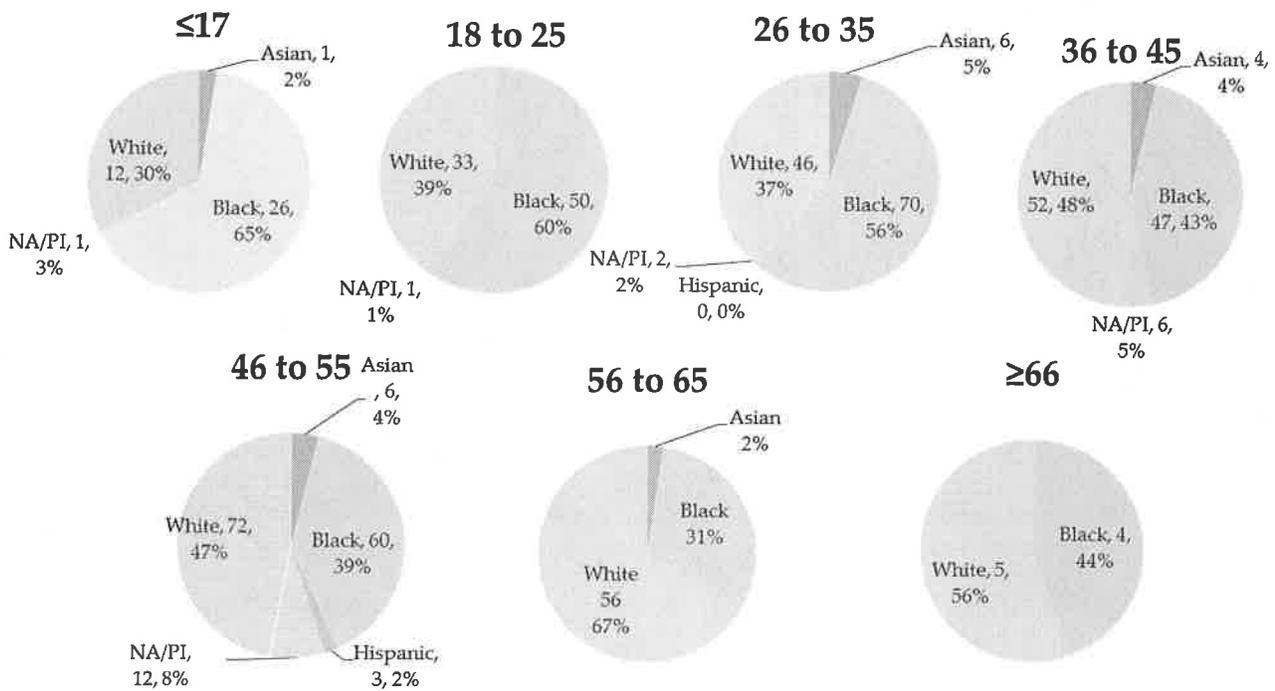


Chart labels identify the number of suspensions by race and the percentage of the total number of suspensions between May 1, 2015 and December 31, 2015.

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## Issues and Proposals

### Issue 1- Criminal Charges for Juvenile Fare Evasion

#### Current Practice

Under King County Code (KCC 28.96.010.B), failure to pay transit fare is a misdemeanor criminal offense, punishable by up to 90 days in jail and a \$1,000 fine. Under state law (RCW 81.112.220), failure to pay transit fare is a civil infraction that carries a \$124 fine.

RCW 81.112.230 states, “Nothing in state law (RCW 81.112.020 and RCW 81.112.210 through 81.112.230) should be deemed to prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who fails to pay the required fare on more than one occasion in a twelve-month period.” While this language indicates legislative approval of criminal prosecution for some repeat fare evaders, fare evasion itself is a civil infraction under state law. Regardless of the legal ability to bring charges for chronic fare evasion against a juvenile, no juveniles have been so charged, largely due to the King County Prosecutor’s current filing standard, which is already consistent with the policy direction of Motion 14441. The King County Prosecutor is an independently elected public official with sole discretion over charging decisions in King County Superior Court and in King County District Court.

#### Proposal

Council adopts legislation amending KCC 28.96.010, resulting in decriminalizing juvenile fare evasion. With this amendment, charges would not be dependent on prosecutorial filing standards.

#### Other Views

This position was generally agreed upon by members of the Work Group.

#### Cost

In consultation with Office of Performance, Strategy and Budget (PSB), the Work Group determined that costs to implement this proposal are determined to be *de minimis*.

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## Issue 2 (a) - Rider Suspension Process in Alignment with ESJ Principles

### Current Practice

Currently, Transit Police issue suspensions, although County Code allows other transit personnel to issue suspensions as well. Transit Police may issue a suspension-of-use notice, typically in conjunction with an enforcement action resulting from violation(s) of the Metro Code of Conduct or local, state, or federal law. Agency procedures provide for suspension terms of 7, 14, 30, 60, or 365 days depending on the severity of the violation. A person who receives multiple suspensions is required to serve them consecutively. Under existing practice, suspension of use is immediate and can only be amended through a formal administrative appeal process. As a result, a person who wanted to appeal a 7- or 14-day suspension would likely serve all or most of the suspension before having the opportunity to meet with the Suspension Appeal Panel. The Suspension Appeal Panel has not entertained challenges to the legal or factual validity of suspensions, focusing rather on mitigation. The Panel has been composed of Metro Transit and Metro Transit Police employees, rather than neutral decision-makers.

### Proposal

Suspensions from transit property or services will be for terms of 30, 60, or 365 days, depending on the nature of the offense (see box).

People issued infractions or citations for non-violent crimes will be issued a Written Warning Notice outlining the Metro Code of Conduct, and may continue to use Metro services and facilities. This Written Warning Notice will remain on file for 24 months as evidence of service and the individual's awareness of the terms of access to transit facilities. If they commit another violation during that time, they will be issued a suspension for that violation and are then in suspended status (and may be issued a rider contract as discussed in section Issue 2(b)). They retain the right to appeal the validity of the suspension or request a mitigation hearing to explain the circumstances that resulted in their suspension. People who commit a crime against a person receive an immediate 365-day suspension, although they may ride the bus to attend an appeal or mitigation hearing should they request one.

### Proposed Suspension Terms

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- Civil Infractions as noted in KCC 28.96.010 will warrant a 30-day suspension
- Criminal offenses as noted in KCC 28.96.010 or RCW 9.91.025 will warrant a 60-day suspension
- Violent Crimes and other serious crimes against persons as noted in RCW 9.91A.411 (plus Assault 4, Harassment, Bomb and Hoax Bomb crimes, and Indecent Exposure) will result in a suspension for 365-days. This term recognizes the serious effect felt by victims, and the effect such crimes have on riders perception of the safety and security of public transportation.

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Individuals who receive multiple suspensions will serve them concurrently rather than consecutively.

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## Other Views

This proposal embraces the positions stated by social justice advocates, who endeavored to introduce a warning stage prior to full suspensions. Metro believes that those warnings are somewhat perishable, and supports a limit to their useful life of 24-months. During that 2-year period, any further violation of the code of conduct (or other law which is not a crime against a person) will result in a suspension (though a rider contract may be granted, as described in section Issue 2(b)). After the 2-year period, any violation of the code of conduct (or other law which is not a crime against a person) will result in a new Written Warning Notice.

## Cost

In consultation with Office of Performance, Strategy and Budget (PSB), the Work Group determined that costs to implement this proposal are determined to be *de minimis*.

## Additional Information

The proposed changes to suspension practices and procedures grew out of concerns raised in Work Group discussions. Issues discussed included the fair issuance of suspension, the necessity and effectiveness of suspensions, composition of the appeal panel, and administration of the appeal process that limited a suspended individual's ability to challenge the validity of the suspension and raised concerns about due process.

The proposed changes address Work Group members' concerns by simplifying the suspension term length, by preserving riding privileges for lesser first offenses through the issuance of a Written Warning Notice, and by eliminating consecutive suspensions. All of these actions are intended to increase equity, due process, and access to essential services for everyone Metro serves, while providing sensible public safety protections.

Metro recognizes that many riders who are under suspension ride regardless. Offering a warning phase to people who commit minor violations which do not concern public safety provides an appropriate first step in addressing problematic behavior. The amended process will preserve the relationship between the suspended rider and Metro, recognize the importance of personal mobility, and underscore Metro's commitment to serve all King County residents in a fair and just manner.

The Suspension Flowchart in Appendix A illustrates the agency administrative procedures for the proposed process.

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## Issue 2 (b) – Align Rider Suspension Appeal Process with Equity and Social Justice Principles

### Current Practice

King County Code 28.96.430 authorizes the suspension of a person's transit use privileges for violations of the Code of Conduct or local, state or federal law. When a person's use privileges are suspended, they are entitled to appeal the suspension. King County Code authorizes Metro to designate a single person as the suspension reviewer and empower the reviewer to affirm, modify, or terminate the suspension. The reviewer's decision is final.

For suspensions of 60 days or longer, Metro has opted to employ a Suspension Appeal Panel via a set of guidelines that Metro Transit Police were directed to implement. Having a review panel instead of one person hear the appeal was intended to provide a more equitable and impartial process. One representative each from Metro Transit Police, Operations, and Customer Services constitute the three-member panel.

For appeals of short-term suspensions (<60 days), Metro has had a single person consider the appeal over the phone. This has been facilitated by Metro Transit Police Criminal Investigations Unit and has provided near-immediate relief (or modification) of the suspension terms.

In both appeal processes, the majority of people who appealed had their suspensions modified, allowing them to resume riding sooner. Anecdotal evidence of marginal rates of recidivism has justified these decisions.

### Proposal

To further increase equity, opportunity, and impartiality, Metro proposes revising its administrative appeal process and procedures. The proposed process addresses Work Group members' concerns about fairness and due process. People seeking a review of the validity of their suspension may request a hearing before a neutral third party. Those not contesting the validity of their suspension may request a meeting with a designated Metro staff member (and/or panel) to explain extenuating circumstances and request relief.

#### Mitigation Hearing

This process is proposed for suspended riders who are not challenging the validity of their suspension but seek relief from its provisions—for example, reducing the length of the suspension or being allowed to ride the bus for specific purposes, such as court or medical appointments. Depending on circumstances surrounding a case, either a designee or a panel of Metro representatives, operating much like the present appeals panel, would hear the

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mitigation request. While suspensions for less than one-year for persons not already on a Rider Contract could be mitigated by a representative of Metro Transit Police (MTP) over the phone, a key change to the operation of the full panel would be the removal of a MTP representative. The MTP requested their removal, acknowledging that their role in the issuing suspensions could be seen as a conflict of interest. Under this revision, Metro's Transit Security Program Manager will administer Suspension Mitigation Panel activities. MTP will provide information the Suspension Mitigation Panel needs to consider and rule on a mitigation request. This approach separates enforcement activities from the administrative review process. It goes one step further, allowing anyone who was declined mitigation over the phone with MTP to seek redress with the Suspension Mitigation Panel. Typically, "mitigation" means issuance of a rider contract that restores the ability to ride so long as riders comply with all rules under the rider contract. Rider contracts may be modified with certain restrictions or conditions for more serious offenses.

## Appeal Hearing

People who have been suspended from Metro will now have the opportunity to appeal the validity of the suspension to an independent third party, the King County Hearing Examiner, with authority to invalidate the suspension. This hearing is an opportunity to contest the suspension or to challenge the facts underlying the suspension or the application of the law in the particular circumstance. Details of this process, including deadlines, timing, cost, and mechanics, will have to be developed. This will be a formal process and would include written notice of the allegations, an opportunity to present evidence and cross-examine witnesses, and a written decision. People who lose their appeal would then have the opportunity to a Mitigation Hearing.

## Additional Information

The introduction of Written Warning Notices for most offenses would eliminate the impacts of a suspension for the vast majority of people who are issued an infraction or criminal citation. There is no need to appeal a suspension in these cases, since the ability to ride continues.

The proposed process would allow those arrested for serious crimes to use transit under a limited rider contract to attend a Suspension Mitigation Panel or Appeal hearing, should they request one. The Suspension Mitigation Panel will schedule hearings frequently enough to allow those suspended for serious offenses to have their review typically within 7 days from the date it is requested. In all cases, the Suspension Mitigation Panel would be encouraged to make a decision at the conclusion of the hearing so the appellant can clearly hear the results.

The creation of the Appeal process via a Hearing Examiner addresses due process concerns voiced by social justice advocates related to challenging the validity of a suspension or other matters of a more legal nature.

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The composition of the Mitigation Panel addresses the concerns voiced by Work Group members. The new process includes a five-member panel, which may include representatives from Metro's Diversity & Inclusion office, Customer Communications & Services, Operations, Ride Share/Accessible Services, and Transit Security. The proposed Suspension Panel composition will provide a broader dialog, separate enforcement and adjudication roles, a more diverse representation of viewpoints, and the ability to respond faster to requests for mitigation.

A draft operating process for the Mitigation Panel process is in Appendix C.

Work Group members generally agreed that revising Metro's appeal processes by creating a distinct appeal route in addition to a mitigation route as proposed is in the best interest of those suspended, the riding public, and the County. Reducing the number of suspensions by using a Written Warning Notice will significantly reduce the number of people who, at any given time, are suspended from Metro service. The proposed process makes it easier for a suspended person to contest a suspension or request relief from its conditions, and reduces the burden on all forms of relief, including the Mitigation Panel and the Appeal Process.

## Cost

Costs to implement this proposal are being studied by the agencies presented in the Work Group, including PSB. While there is no new appreciable cost to implement the Mitigation Hearing component, the Appeal Hearing will involve a marginal workload adjustment to an existing compensated hearing examiner, and thus may incur costs. However, the costs associated with the proposed appeal process are not expected to be cost-prohibitive. Reduction in the number of mitigation proceedings requested may offset this cost or burden to some extent.

## Issue 3 - Improving Geographic Equity of Access to Court

### Current Practice

For the past decade, King County District Court has directed all violations of Metro Transit rules to the Shoreline District Court for processing. This was done to manage the workflow of the court system more efficiently. However, this process was changed in October 2015 to direct juvenile fare evasion infractions to be filed at Burien District Court. The reason for this change was that more than 80 percent of a sample batch of tickets issued to juveniles had been issued to residents of South King County and South Seattle.

### Proposal

The King County District Court Executive Committee recently approved permitting persons receiving civil infractions for all fare violations issued by either King County Metro or Sound Transit to request a

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hearing at any one of the three traffic infractions courthouses, currently located at the Burien, Shoreline, and Issaquah Courthouse locations of District Court.

For the 2015/2016 budget cycle, the King County District Court received funding from the County to implement a new electronic case management system. The District Court is currently in the process of implementing this new case management system with a projected completed implementation in late 2017. Upon implementation, the King County District Court system will require electronic filing of all documents with the court, which will significantly reduce the clerical processing time of the current paper tickets filed with the court. Additionally, the Court will be able to manage the casework flow in a more customer friendly manner, including the schedule civil infractions hearings and accommodate requests to move the hearing to a more convenient location. It is anticipated that electronic case management would allow hearings to be held at any District Court location.

## Other Views

The Work Group agrees this is a significant improvement over the former process.

## Cost

In consultation with Office of Performance, Strategy and Budget (PSB), the Work Group determined that costs to implement this proposal are determined to be *de minimis*. The Court's electronic case management (ECM) program was planned before the issuance of this ordinance, and the electronic hardware/software needed by Transit Security and/or Transit Police to comply with ECM is not directly related to the elements of this ordinance.

## Additional Information

In 2015, the King County District Court processed 5,920 transit fare violations infractions issued by both King County Metro Transit and Sound Transit. Of these filings, the court was required to set 1,068 for a hearing to either contest or mitigate the infraction. In 2014 the number of filings was 5,707 and the number of hearings to contest or mitigate the infraction was 1,652.

Every civil infraction filed with the King County District Court is a hand prepared paper ticket initiated by the citing transit enforcement officer before filing with the court. Tickets that Sound Transit issues are not handed to alleged violators when issued. As a result, King County District Court must either serve the notice of infraction or mail the notice to the defendant to comply with Washington State law. When defendants do not respond in a timely manner to the mailed notice of infraction the court is required to summons the defendant to a hearing.

Processing paper-issued or paper-mailed infraction notices is extremely time intensive work for court clerks. Assigning the administration of transit infractions to the Shoreline Court has helped the court to fulfill their responsibility with fewer resources.

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## Issue 4 - Develop Competence in Working with Juveniles

### Current Practice

Transit Security and Service Quality staff members and bus operators have no specific training designed to enhance their ability to engage effectively with youth.

MTP deputies receive “Justice-Based Policing” and “LEED: Listen and Explain with Equity and Dignity” training, which prepares King County Sheriff’s Office (KSCO) personnel to interact with all people, including juveniles, in a fair and transparent manner. See “Additional Information” below.

### Proposal

For Transit Security, Service Quality, and bus operators, Metro proposes using a professionally designed curriculum to educate staff members who regularly interact with youth. During the research phase, Metro reached out to community organizations for suggested education packages. Strategies for Youth, a nonprofit agency in Cambridge, Massachusetts, provided a sample curriculum that would achieve the goal. Their response to our request for a standard curriculum (6-hour program) for security and supervisors, and a shorter, two-hour course for coach operators and other Metro personnel, was detailed and extensive. It is contained in the reference section below. Additional information about Strategy for Youth’s approach to training can be found in Appendix E.

### Other Views

No contrary views were expressed.

### Cost

Costs to implement this policy are estimated to be \$331,000 for the initial deployment which is a two year cycle; including an estimated \$55,000 for the development and training of the curriculum by a third-party contractor, nearly \$60,000 for training Transit Security, Fare Enforcement, and Transit Service Quality staff, and \$216,000 for a condensed training deployed to all bus operators.

## Court Ordered Suspension

In response to section (E) of Motion 14441, item (1), subsection (a), with regard to an option to implement the policy through court-issued suspension of use orders for periods longer than twelve hours, the Work Group discussed this option in earnest. Of particular importance during these discussions was the experience and opinions offered by representatives of the judiciary. These jurists indicated that the courts were wholly unprepared to act as administrators of a non-judicial process, to wit the suspension of use program, and thus were the wrong venue to determine if, when, and for how long suspensions should be imposed. Additionally, it was the consensus of the Work Group, again with essential input by representatives of the judicial system, that the time between issuance of a citation or infraction and hearing by a court could be a considerable span of time, generally in the

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weeks-to-months range. As a significant footnote to that consideration, many cases involving infractions or crimes are never heard due to failure of the cited person to respond to the summons or appear in court. Thus, there would be a significant population who could and likely should be under sanction but would be able to remain free to use transit services without regard for a suspension that they had been able to dodge. Should the council determine that this option is preferable; the court system would need to determine their *legal ability* to adjudicate cases and include a term of suspension – a question that has not been satisfactorily answered through our deliberations.

## Public Safety Impacts

Motion 14441 directed an examination of the impact on public safety of the proposed changes. In consideration of the varying nature of each proposed change, the public safety impacts are not the same.

Item (A) of Motion 14441 establishes as policy a decriminalization of fare evasion for juveniles, while they may still be issued civil infractions for failure to pay fare. Evidence supplied by King County District Court representatives indicates that approximately 10% of infractions issued for Fare Evasion are ever paid or a hearing requested. The vast majority of the remainder is referred to collections. Without the ability to impart a more serious consequence on a juvenile who chronically evades paying fare, and with ample evidence that the civil liability conferred by the infraction has very limited usefulness, Metro remains concerned about the loss of this enforcement tool. However, Metro possesses little evidence that charging juveniles criminally for fare evasion increases compliance. Given the little evidence that criminalizing juvenile fare evasion produces effective results, it is believed that decriminalizing juvenile fare evasion will not affect rider safety and security.

Item (B) of Motion 14441 directs a review in pursuit of more equitable processes related to suspension of use (the Metro suspension process). This review process was the most labor-intensive element of the motion, and resulted in the most sweeping changes to existing practice. During the review, the entire suspension program was subject to overhaul. From issuance of the suspension to the suspension's duration, and including the appeal process and management of the appeal panel, this element was deconstructed and rebuilt with equity and social justice a primary focus. The resulting process contains items that provide some degree of public order concern, such as effectively issuing a warning to most first-time offenders suspected of offenses that do not pose safety issues. Metro is of the opinion that with monitoring, this new process will not necessarily decrease the riding public's safety.

Item (C) of Motion 14441 declares it a policy of the county to improve geographic equity of access to court for individuals who are cited for fare evasion. The initial remedy for this has been instituted, and Metro is of the opinion that there is likely no negative public safety impact.

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Item (D) of Motion 14441 states that relevant transit personnel will receive training to achieve developmental competence in relation to working with juveniles. Using vendor-supplied training curriculum, Metro is confident that it can attain a level of competency that will improve interactions between juveniles and Metro personnel, particularly those in enforcement roles. There is no anticipated negative impact to public safety from implementation of this element.

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## Transit Safety and Equity Work Plan

*Motion 14441, “a motion relating to the treatment of individuals for transit violations,”* passed by the Metropolitan King County Council on October 26, 2015, requires a work plan to be transmitted by the executive as a component of the report.

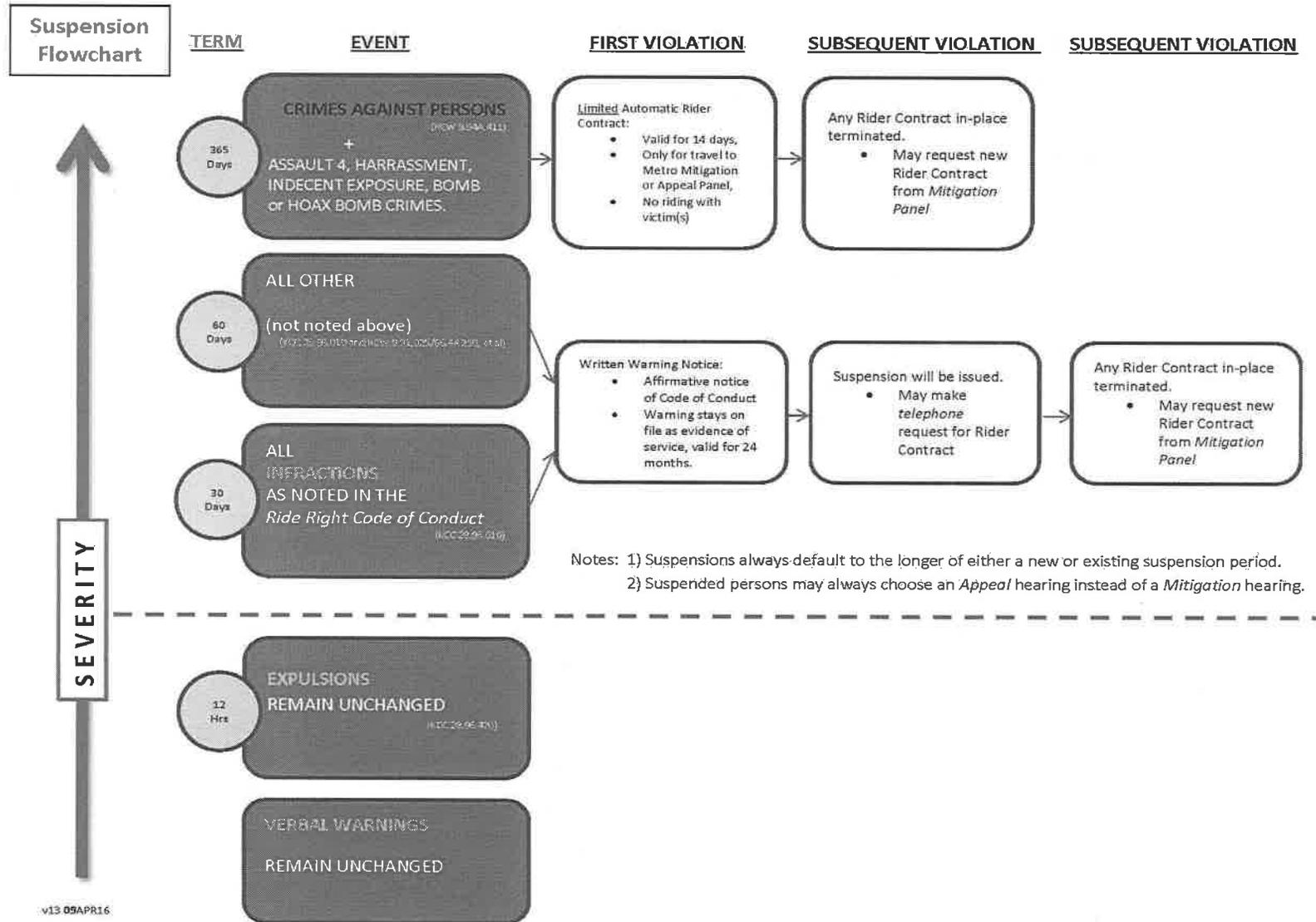
	Item Description	Responsible Entity and Actions	Timeframe	Comments
1	Ordinance decriminalizing juvenile fare evasion	Council: adopts the proposed ordinance into code.	Q3 2016	
2	Ordinance prescribing the conditions under which criminal trespass with regard to transit buses may be enforced	Council: adopts the proposed ordinance into code.	Q3 2016	
3	Coordinate Metro Suspension Mitigation process	Metro Transit: create schedules, associated forms, and procedural documents.	Q2-Q3 2016	
4	Coordinate Metro Suspension Appeal process	Metro Transit: establish processes, procedural documents, and independent third party adjudicator role and relationship.	Q2-Q3 2016	
5	Change Code to reflect new appeal/mitigation process	Metro: Develop ordinance for King County Council adoption	Q1 2017	
6	Expand access to courts for those issued infractions for fare evasion	Metro: change infraction forms to more clearly show	Q4 2016	

# Report



		<p>where infractions may be contested (any of three locations for adults, one for juveniles)</p> <p>King County Court System: implement electronic case management (ECM) system</p>	<p>~Q4 2017</p>	<p>It is not clear when in 2017 ECM will be able to support a broader distribution of these cases beyond the courts now authorized to hear them.</p>
7	<p>Achieving developmental competence in relation to working with juveniles through appropriate training for transit personnel</p>	<p>Metro: determine procurement guidelines necessary to contract with third-party provider.</p> <p>Council: support appropriation requests for the contracted training as well as internal payroll costs for deploying it.</p>	<p>Q3 2016 – Q3 2018 (24 month initial deployment cycle)</p>	

# Appendix A- Suspension Process Flow Chart



## Appendix B – Work Group Meeting Participation

### Transit Safety & Equity Work Group Meeting Participants

Name	Representing
Arkills, Chris	KC Executive's Office
Behrman, Hillary	TeamChild
Brown, Laurie	KCDOT Director's Office
Bunck, Andy	KC PSB
Burdick, Bill	KCM Transit Operations
Cole, Carl	Metro Transit Police (KCSO)
Daugaard, Lisa	Public Defender's Assoc
De Wys, Shelley	KC PSB
Desmond, Kevin	KCM GM's Office
Gannon, Rob	KCM GM's Office
Gill, Karan	KCC - CM Upthegrove's Office
Gulledge-Bennett, Betty	KCDOT Communications
Harn, Corinna	KC District Court
Haskin, Brad	Metro Transit Police (KCSO)
Hull, David	KCM GM's Office
Huneryager, David	TeamChild
Israelson, Gail	KCM Transit Security
Joyce, Melony	KCM Accessible Svcs
Jutilla, David	Metro Transit Police (KCSO)
Kashyap, Andrew	Public Defender's Assoc
Khandelwal, Anita	KCDPD/Public Defender's Assoc
Larson, Mark	KCPAO - Criminal
Lee, Carla	KCPAO
Mangaoang, Vonetta	KC Hearing Examiner's Office
Maxie, Tre	KCDOT Director's Office
Merkel, Jenifer	KCPAO - Civil
Miniken, Blythe	Metro Transit Police (KCSO)
Norgaard, Erin	KCPAO - Criminal
Norton, Mark	KCM Transit Security/Emergency Mgmt
Ogershok, Rochelle	KCDOT Communications
Palomino, Othniel	KC District Court
Pure, Stephanie	KCDOT Director's Office
Rochford, John	KCM Para-Transit RSO
Saint Clair, Wesley	KC Superior Court
Slakie, Elly	KC PSB
Spohr, David	KC Hearing Examiner's Office
Stone, Gail	KC Executive's Office
Switzer, Jeff	KCM/KCDOT Communications
Tucker, Donna	KC Superior Court
Vargas, Priscilla	KCM Para-Transit RSO
Williams, Marcus	Metro Transit Police (KCSO)

## Appendix C - Suspension Mitigation Panel -- Standard Operating Procedure

Rev. 4/09/2016 (v7)

### Purpose

The purpose of the Suspension Mitigation Panel is to review suspensions for compliance with related King County Code, agency policy and relevant standard operating procedures (SOPs), as well as in balance with the county's codified objectives toward equity and social justice. It is the intent of this administrative process to render reviews in an impartial and consistent manner, providing reasonable due process at every step. Metro recognizes both the importance of mobility and the privilege that use of public transportation is, and wishes to balance fair and equitable access with reasonable measures to maintain public safety while on Metro service.

### Who May Request a Mitigation Hearing

Hearings may be at the request of the suspended person or representative, or representatives of Metro Transit or Metro Transit Police. The Suspension Mitigation Panel may sustain, modify, defer, cancel, or repeal existing suspensions.

### Composition

The Suspension Mitigation Panel consists of a five-member voting panel, with one representative or designee from:

- Metro Transit Security (chair)
- Metro Transit Diversity & Inclusion function (vice-chair)
- Metro Transit Customer Communications & Services
- Metro Transit Operations
- Metro Transit Ride Share/Accessible Services

Metro Transit Police will support the Suspension Mitigation Panel by providing administrative support and information.

For the Panel to have a quorum, at least three (3) members must be present. In the event a hearing is scheduled and the petitioner is present but Metro lacks a quorum, the petitioner shall be granted a rider contract, allowing the petitioner limited access to transit so as not to inhibit travel to school, work, medical appointments, court appointments, and other basic needs until the hearing can be rescheduled.

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## Mitigation Panel Required Knowledge and Responsibilities

It is the responsibility of all Suspension Mitigation Panel members to read, understand, and maintain a working knowledge of these SOPs and King County Code, administrative policies and procedures, and other relevant materials such that they may make informed, responsible, and equity-minded decisions.

## Coordination

Together, a representative from Metro Transit Police Criminal Investigations Unit (CIU) and Metro Transit Security shall act as the coordinators for the Mitigation Panel. The responsibilities of the coordinator(s) include but are not limited to the following:

- Coordinate and respond to requests for mitigation of existing suspensions,
- Arrange for note-taking and/or record-keeping of panel hearings,
- Set the dates, times, locations, and agenda for panel hearings,
- Provide any necessary equipment to facilitate the hearing (projector, computer, etc.).

For Suspension Mitigation Panel hearings, Metro Transit Police CIU will provide a summary for the 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.

## Requesting a Mitigation Hearing

### Suspensions for 30 or 60 Days

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

- Suspended for 30 or 60 days, and
- Who call, write, or email to request an appeal, and
- Are willing to sign and abide by terms of the rider contract.

Persons wishing to mitigate a suspension for 30 or 60 days may request a hearing by calling the appeal hotline at (206) 255-4013. Metro Transit Police CIU will adjudicate this request within three (3) business days of the request, with results reported to the Chair of the Suspension Mitigation Panel within three (3) business days of the decision being rendered. If the petitioner is unsatisfied with the decision from this stage, they may request a full hearing by the Mitigation Panel by following the process outlined below for "Other Suspensions."

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## Other Suspensions

The suspension panel reserves exclusive authority to offer rider contracts for suspended persons that meet the following criteria:

- Suspended for greater than 60 days, or any length but subsequent to revocation of a previously-issued Rider Contract, or any length but subsequent to denial of a Rider Contract by Metro Transit Police CIU, and
- Who call, write, or email to request an appeal, and
- Are willing to sign and abide by terms of the Rider Contract.

Persons wishing to appear before the Suspension Mitigation Panel to mitigate a suspension for 365 days, or any length but subsequent to revocation of a previously issued Rider Contract, or any length but subsequent to denial of a Rider Contract by Metro Transit Police CIU may do so by:

- Leaving a request on the Appeal Hotline, (206) 255-4013,
- Submitting a written request to the General Manager's office at Attn: Suspension Mitigation Panel, 201 S Jackson Street, Seattle, WA 98134, or
- Emailing the Metro Appeal email address: [metro.appeal@kingcounty.gov](mailto:metro.appeal@kingcounty.gov).

Mitigation Hearings will be scheduled typically within seven (7) days of the request being received.

If a Mitigation Hearing request is not submitted directly by the suspended person, the person requesting the mitigation must provide written verification, signed by the suspended person, that they are acting at the request of the suspended person. This written verification will only apply to suspensions that were in effect on or before the date, the verification was signed. This requirement does not apply to an attorney admitted to practice in Washington State that is representing the petitioner.

## Rider Contracts

Regardless of which entity adjudicates the rider contract, upon signing the contract, suspended persons will be provided with a copy of the contract. Unsigned rider contract offers are not in effect until signed by the petitioner. The offer of a rider contract to the petitioner expires 30-days after authorization by the Metro Transit Police CIU representative or the Suspension Mitigation Panel.

## Suspension Review

The Suspension Mitigation 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

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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)

### Suspension Mitigation Panel Decision-Making Process

After appropriate presentations from each party, the Suspension Mitigation Panel will deliberate and render a decision.

After deliberation, the chair will call for a motion to vote on the outcome of the case. Suspension Mitigation Panel decisions will be based on a preponderance of the evidence, suspension policy, and information presented in the summary and/or by the suspended person or his/her representative and by any agency representative. Suspension Mitigation Panel decisions require a simple majority of the panel. An even number of panel members deadlocking on a decision favors the appellant. Decisions of the Suspension Mitigation Panel are final.

The Suspension Mitigation Panel may decide a case in the following ways:

Sustained	Suspension is affirmed
Modified	Modifications may be made to the suspension
Deferred	Suspension is delayed for a period of time, which may or may not “run out the clock” on the suspension term
Cancelled	Suspension is lifted, record of the suspension remains
Repealed	Suspension overturned, riding privileges reinstated. Record of the suspension will be purged from the suspension database

### Notifications

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

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### Records

The meeting facilitator will document the Suspension Mitigation Panel decisions. This documentation will serve as the official record of the hearing. Upon request, a copy of this record may be provided to suspended persons by the panel chair.

### General

It is not a violation of the suspension policy for a suspended person to enter transit property and ride transit to attend a Suspension Mitigation 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 hearing shall not change the effectiveness of the Panel's decision.

Within the framework authorized in King County Code, this policy may be amended from time to time as needed. The process shall involve a simple majority vote by the panel members assembled, with referral for approval to the Metro Transit General Manager or designee. Any cases being considered shall be adjudicated using the policy in place on the date the appeal was filed. Upon approval, the revised policy goes into effect for all future appeals.

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# Appendix D - Categorization of Crimes for Prosecuting Standards

### CRIMES AGAINST PERSONS as listed in RCW 9.94A.411

- Aggravated Murder
- 1st Degree Murder
- 2nd Degree Murder
- 1st Degree Manslaughter
- 2nd Degree Manslaughter
- 1st Degree Kidnapping
- 2nd Degree Kidnapping
- 1st Degree Assault
- 2nd Degree Assault
- 3rd Degree Assault
- 1st Degree Assault of a Child
- 2nd Degree Assault of a Child
- 3rd Degree Assault of a Child
- 1st Degree Rape
- 2nd Degree Rape
- 3rd Degree Rape
- 1st Degree Rape of a Child
- 2nd Degree Rape of a Child
- 3rd Degree Rape of a Child
- 1st Degree Robbery
- 2nd Degree Robbery
- 1st Degree Arson
- 1st Degree Burglary
- 1st Degree Identity Theft
- 2nd Degree Identity Theft
- 1st Degree Extortion
- 2nd Degree Extortion
- Indecent Liberties
- Incest
- Vehicular Homicide
- Vehicular Assault
- 1st Degree Child Molestation
- 2nd Degree Child Molestation
- 3rd Degree Child Molestation
- 1st Degree Promoting Prostitution
- Intimidating a Juror
- Communication with a Minor
- Intimidating a Witness
- Intimidating a Public Servant
- Bomb Threat (if against person)
- Unlawful Imprisonment
- Promoting a Suicide Attempt
- Riot (if against person)
- Stalking
- Custodial Assault
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Counterfeiting (if a violation of RCW 9.16.035(4))
- Felony Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
- Felony Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))

## Appendix E – Juvenile-Focused Training Approach

### Regarding King County Sherriff's Office Justice-Based Policing and "LEED":

Historically, primary policing strategy has been based on a deterrence theory, with harsh punishments as the main response to rule breaking. Law enforcement embraced policies such as the "war on drugs" and zero-tolerance drug and nuisance strategies in an effort to "get tough on crime." Unfortunately, such strategies have disproportionately affected the marginalized, the poor, and minority communities. As a result, segments of society perceive that police exercise authority in an unfair manner, and the result has been public alienation, dissatisfaction, mistrust, and hostility. This has hampered police effectiveness and negatively impacted officer safety.

The King County Sheriff's Office (KCSO) recognized that although they were very effective at performing police functions and solving crimes, they could be doing more to improve police legitimacy in the eyes of the public. The KCSO is committed to treating all citizens with dignity and respect and exercising police authority in a fair and just manner. To that end, all commissioned KCSO members have attended (or will as they are hired) an eight-hour training course called "Justice-Based Policing." The entire course is based on the principles of procedural justice, which refers to the processes that police use when exercising their authority and whether those processes are perceived as fair and transparent.

Procedural justice research by experts such as Dr. Tom Tyler indicates that people are far more concerned about how they feel they were treated during the decision-making processes that led to a criminal justice outcome than about the outcome itself. In 2004, Tyler found the decision regarding whether or not a person feels they have received procedural justice depends on whether:

- the person perceives that the officer gave them an opportunity to actively participate in discussions or explain their views prior to the officer's decision-making;
- the person feels that the officer would have treated anyone else in a like-manner and hence exercised neutral and objective decision-making;
- the person feels that the officer treated them with respect and dignity during the process; and
- The decisions made or actions taken by the officer were explained to the individual(s) impacted by them, thus making the process transparent.

Each of these elements constitutes the pillars on which procedural justice is built, and leads to an increased perception of police legitimacy and public satisfaction. The training course that the KCSO created addresses how the components of procedural justice relate to all police interactions: specifically those involving "difficult" people—those persons who for a variety of reasons including age, mental illness, past experiences, and so forth, may be resistant to police authority. Procedural justice principles have become a part of all ongoing KCSO training as well as a component of annual performance

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evaluations. The LEED acronym has been adopted as an easy way for officers to remember the principles: Listen and Explain with Equity and Dignity. A similar version of the Justice-Based Policing Course, titled Procedural Justice for Law enforcement, was created by the KCSO and adopted nationally by the Community Oriented Policing Services (COPS) Office to be delivered to agencies across the country.

The KCSO is committed to meeting the needs of all members of the public we serve. In addition to the eight hours of procedural justice training, a large portion of KCSO employees have attended either the eight-hour or 40-hour Crisis Intervention Training (CIT) to better meet the special needs of some segments of our population. The eight-hour CIT course has now become mandatory for all law enforcement officers in Washington.

## Regarding Strategies for Youth training curriculum:

### Introduction to "Policing the Teen Brain"

Law enforcement officers are expected to respond to, and manage, calls related to "social policy failures" such as truancy, mental health issues, poverty, racial anxieties, and fear of youth. Unfortunately, academy training does not prepare officers for these encounters. Specifically with youth, officers may interpret the actions and behaviors as being disrespectful and/or confrontational.

### Development of competence working with juveniles

How a person perceives and responds to situations is strongly influenced by both biological and psychological factors related to their developmental stage. A developmentally competent adult navigates youth interactions in a manner appropriate to that youth's age and psychological development.

### Adolescent Brain Development

#### *Normative Development*

Explores the role emotion plays in the developing brain and how emotion affects perception, processing, and response.

#### *Compromised Development*

Youth who are dealing with mental illnesses or deficits are less able to respond to figures of authority. Recognizing types of compromised brain development and having strategies to manage them is an important skill for law enforcement officers.

#### *Traumatized Development*

Trauma and its impact on adolescent brain development is a significant issue faced by law enforcement. Recognizing the traumatized child and responding appropriately can be an effective de-escalation tool.

### Understanding the Landscape of Vulnerability and Opportunity

The environment surrounding a child during his/her development can have a huge impact on how they respond to the world. A look at how Family, Culture, and Social interactions shape youth perceptions of authority. Every individual fits along a continuum stretching from vulnerability to resilience. How

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interactions with authority are impacted by where youth see themselves along this continuum and strategies for improving resilience are presented.

### Asserting your authority effectively with youth

Law enforcement officers are expected to assert their authority in an effort to maintain social and cultural order. Recognizing the role of developmental competence, how can officers effectively assert their authority in a meaningful way with youth?

These training sections would be pared-down for the shorter, two-hour course, which is primarily intended for coach operators and personnel who are not, as their primary function, engaged in enforcement efforts.

It is expected that the training cycle for those enrolled in the longer, six-hour course would take up to 12-months, and the training cycle for the shorter, two-hour course would take up to 24-months due to the exceedingly large group of participants. For new employees in each classification customarily enrolled in either course, the training would be added to their on-boarding curriculum.

Training would be accomplished via personnel assigned by relevant Transit sections to attend training conducted by *Strategies for Youth* in a “train-the-trainer” format. These trainers would be free to conduct training as frequently as needed to ensure that Transit personnel achieve and maintain the developmental competence called for in the council’s motion.

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## Appendix F – Metro Code of Conduct

# RIDE right.

## Metro Bus Rider CODE OF CONDUCT

### CRIMINAL PENALTIES

Misdemeanors can result in a citation and fine up to \$1,000, and/or arrest and imprisonment in jail facility for not more than ninety (90) days. (RCW 2A.06.010, RCW 9A.02.025 and 9A.41.230 except where bolded/underlined.)

1. Smoking or carrying a lighted or smoldering pipe, cigar or cigarette while in a transit vehicle or on the platform or mezzanine areas of the tunnel.
2. Discarding litter other than in designated receptacles.
3. Playing a radio, tape recorder, audible game device or any other sound producing equipment, except when the equipment is connected to earphones that limit the sound to the individual listener. However, the use of communication devices by county employees, county contractors or public safety officers in the line of duty is permitted, as is the use of private communication devices used to summon, notify or communicate with other individuals ("pager," "portable telephones.")
4. Spitting, expectorating, urinating or defecating except in restroom facilities.
5. Carrying flammable liquids, **flammable or non-flammable explosives, acid or any other article or material of a type or in a manner that is likely to cause harm to others. However, cigarette, cigar or pipe lighters, firearms, weapons, and ammunition may be carried if in a form or manner that is not otherwise prohibited by law or ordinance.**
6. Intentionally obstructing or impeding the flow of transit vehicle or passenger movement, hindering or preventing access to transit property, causing unreasonable delays in boarding or disembarking, sitting or occupying more than one seat, or in any way interfering with the provision or use of transit services.
7. Unreasonably disturbing others by engaging in loud, raucous, unruly, harmful, abusive or harassing behavior.
8. Defacing, destroying or otherwise vandalizing transit property or any signs, notices or advertisements on transit property.
9. Drinking an alcoholic beverage or **possessing an open container on a bus.** However, possessing one drinking an alcoholic beverage is not prohibited in the tunnel facilities if authorized as part of a scheduled special event for which all required permits have been obtained and when said facilities are not in use for transit purposes.
10. Entering nonpublic areas, including but not limited to tunnel standing areas and equipment rooms, except when authorized by the director or when instructed to by county or public safety personnel.
11. Dumping any materials whatsoever on transit property, including but not limited to chemicals and automotive fluids.
12. Throwing an object at transit property or at any person on transit property.
13. Failing to present a valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance.
14. Possessing an unissued transfer or tendering an unissued transfer as proof of fare payment.
15. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the transit system by making a false representation.
16. Falsely claiming to be a transit operator or other transit employee, or through words, actions or/and the use of clothes, insignia or equipment resembling department-issued uniforms and equipment, creating a false impression that he or she is a transit operator or other transit employee.
17. Bringing onto transit property odors which unreasonably disturb others or interfere with their use of the transit system, whether such odors arise from one's person, clothes, articles, accompanying animal or any other source.
18. Engaging in gambling or any game of chance for the winning of money or anything of value.
19. Discharging a laser-emitting device on a transit vehicle, directing such a device from a transit vehicle toward any other moving vehicle or directing such a device toward any transit operator or passenger.

Notes:  
"transit vehicles" = transit passenger vehicles including buses, paratransit vans and other revenue service vehicles.  
"transit property" = all vehicles and facilities used in the transit system including transit vehicles, tunnel facilities and other passenger facilities.

...thank you for doing your part to

### CIVIL PENALTIES

1. Allowing any animal to occupy a seat on transit property, to run at large without a leash, to unreasonably disturb others, or obstruct flow of passenger or bus traffic. An animal may occupy a passenger's lap while in a transit vehicle or facility.
2. Allowing his or her animal to leave waste on transit property.
3. Roller-skating, roller-blading or skate-boarding.
4. Riding a bicycle, motorcycle or other vehicle except for the purpose of entering or leaving passenger facilities on roadways designed for that use. In tunnel facilities, bicycles must be walked at all times and may not be transported on escalators (excludes police and authorized county employees).
5. Eating or drinking, with the following exceptions. Consuming food and drinking nonalcoholic beverages is permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior areas of other passenger facilities. Also, drinking nonalcoholic beverages from a container designed to prevent spillage is permitted on transit property and on the bus.
6. Bringing onto a transit passenger vehicle any package or other object which blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole discretion, cause a danger to, or displace, passengers or expected passengers.
7. Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted.
8. Engaging in public communications activities or commercial activities except as authorized under King County Code 28.95.020 through 28.95.210.
9. Riding transit vehicles or using benches, floors or other areas in tunnel and other passenger facilities for the purpose of sleeping longer than their intended transportation-related purposes.
10. Camping in or on transit property, storing personal property on benches, floors or other areas of transit property.
11. Entering or crossing the transit tunnel roadway or transit vehicle roadways in and above other passenger facilities, except in marked crosswalks or at the direction of county or public safety personnel.
12. Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion.
13. Hanging or swinging on bars or stanchions, will feet off the floor, inside a transit vehicle or other transit property, hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property.
14. Engaging in any sport or recreational activities on transit property.
15. Parking a vehicle in an approved parking area or transit property for more than seventy-two consecutive hours.
16. Using a transit facility for residential or commercial parking purposes.
17. Performing any non-emergency repairs or cleaning of a vehicle parked on transit property.
18. Conducting driver training on transit property.
19. No person shall open or consume alcohol in a public place, such as Metro Transit property - per RCW 66.44.100, 5103.

To help ensure the safety...