

RESOLUTION NO. R2010-07
Adoption of an Expulsion and Suspension Policy

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Executive Committee	5/6/10	Recommendation to Board	Ron Tober, Deputy CEO	206-398-5037
Board	5/27/10	Final Action	Ken Cummins, Chief Security Officer	206-398-5322

PROPOSED ACTION

Adopts an Expulsion and Suspension Policy.

KEY FEATURES

- Authorizes Sound Transit Police to expel or suspend riders from Sound Transit vehicles and facilities.
- Sound Transit will coordinate implementation of the Expulsion and Suspension Policy with operating partners.
- Allows Sound Transit to honor expulsions and suspensions from operating partners and to conduct expulsions and suspensions under policies and procedures established by those operating partners.
- Allows Sound Transit to share records and data of expulsions and suspensions with Sound Transit's operating partners.
- Establishes a Suspension Panel with the authority to review and issue suspensions.

PROJECT DESCRIPTION

Adoption of an Expulsion and Suspension Policy would authorize Sound Transit Police to suspend or expel riders who violate any federal, state, or local law committed on a Sound Transit vehicle or at a Sound Transit facility; and Sound Transit will coordinate expulsions and suspensions with operating partners.

FISCAL INFORMATION

Not applicable to this action.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action.

BACKGROUND

RCW 9.91.025 establishes unlawful conduct on transit vehicles and in transit facilities. Unlawful conduct includes smoking, alcohol consumption, littering, unruly behavior, and vandalism.

Adoption of the Expulsion and Suspension Policy will authorize Sound Transit Police to suspend or expel riders who are in violation of RCW 9.91.025 or any other federal, state or local law committed on Sound

Transit vehicles or at Sound Transit facilities. Suspensions and expulsions are not stand alone law enforcement tools, but will be used in conjunction with official enforcement action.

Sound Transit's operating partners, King County Metro (KCM) and Pierce Transit (PT) have established expulsion and suspension policies, allowing authorized personnel to suspend riders from their systems. Currently, expulsions and suspensions by KCM and PT are not honored by Sound Transit; however, KCM is conducting expulsions and suspensions on Sound Transit facilities.

Expulsions and suspensions are necessary and widely-used tools of transit and law enforcement agencies. The ability to issue an expulsion or suspension can defuse a potentially dangerous situation by temporarily removing a hostile rider from the transit system. The need for an expulsion and suspension policy has increased since the start of Link service in the Downtown Seattle Transit Tunnel (DSTT). Presently, a person who is expelled or suspended from the DSTT or a bus operating in the DSTT could board a Link train without repercussion.

Expulsions and suspensions at Sound Transit facilities operated by KCM will be conducted under King County's *Expulsions and Suspensions from Transit Property and Vehicles* administrative policy and procedure. Expulsions and suspensions at Sound Transit facilities operated by an agency other than KCM will be conducted by Sound Transit policy. Sound Transit's policy will be modeled after KCM's policy.

Suspensions will be monitored through a suspension database, maintained by Metro Transit Police in conjunction with Sound Transit Police.

Additionally this policy will establish a Suspension Panel which has the authority to review and issue suspensions, including those issued by KCM. The Panel members are appointed by and act on behalf of the chief executive officer.

Suspended riders will be able to appeal or review their suspension.

ENVIRONMENTAL COMPLIANCE

SSK 4/30/10

TIME CONSTRAINTS

A one month delay would not create a significant impact.

PUBLIC INVOLVEMENT

Not applicable to this action.

LEGAL REVIEW

RM 4/28/10

RESOLUTION NO. R2010-07

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority adopting an Expulsion and Suspension Policy.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under RCW Chapters 81.104 and 81.112 for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 8, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Sound Transit is committed to providing customers a safe environment at transit facilities and on board transit vehicles; and

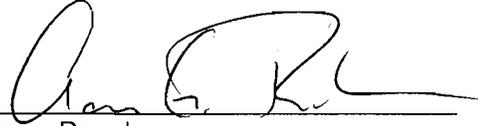
WHEREAS, by Motion No. M2008-57, approved June 12, 2008, the Sound Transit Board adopted an agreement with King County Sheriff's Office for Law Enforcement services through a Transit Police force; and

WHEREAS, RCW 9.91.025 establishes unlawful conduct on transit vehicles and in transit facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that the Expulsion and Suspension Policy (Attachment A) is adopted; Sound Transit Police are authorized to issue expulsions and suspensions to persons in violation of RCW 9.91.025, or any other federal, state or local law committed on Sound Transit vehicles or facilities; expulsions and suspensions can be conducted using policies and procedures of Sound Transit's operating partners; expulsions and suspensions issued by Sound Transit's operating partners are honored by Sound Transit; the chief executive officer is authorized to develop procedures and take necessary action to implement the Expulsion and Suspension Policy, share records and data of expulsions and suspensions with Sound Transit's operating partners, establish a Suspension Panel with the authority to review and issue suspensions, and appoint

Suspension Panel members; and persons who have been suspended from Sound Transit facilities have a right to appeal or review their suspension.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 27, 2010.



Aaron Reardon
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**SOUND TRANSIT
RESOLUTION NO. R2010-07 - Attachment A**

EXPULSION AND SUSPENSION POLICY

Sound Transit's mission is to plan, build, and operate regional transit systems and services to improve mobility for central Puget Sound. Sound Transit is committed to providing customers a safe environment at transit facilities and on board transit vehicles. Sound Transit police officers, fare enforcement officers, contracted security staff, and transit operators promote safety system-wide.

In addition to criminal and civil penalties applicable under federal, state, and local law, in order to maintain a safe, secure, and orderly system, a person using the Sound Transit system who commits a transit violation may be subject to immediate expulsion from transit properties and/or suspension of the privilege of using Sound Transit facilities.

1. Definitions

- A. Sound Transit Facility – A vehicle or facility owned or operated by Sound Transit.
- B. Expulsion – An order, given orally or in writing, to leave and/or refrain from using a Sound Transit facility.
- C. Suspension – The loss of a person's privilege to use a Sound Transit facility for a specified period of time.
- D. 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 in relation to a Sound Transit facility.

2. Policy

It is the policy of Sound Transit that:

- A. Sound Transit Police are authorized to conduct expulsions and suspensions from Sound Transit facilities under procedures established by Sound Transit;
- B. Expulsions and Suspensions may be conducted using policies and procedures established by Sound Transit's operating partners;
- C. Expulsions and suspensions from Sound Transit's operating partners are honored by Sound Transit;
- D. Expulsions and suspensions are not stand alone law enforcement tools and must be used in conjunction with official enforcement action, and;
- E. Sound Transit will coordinate the implementation of this policy with its operating partners.

3. Delegation of Authority

The chief executive officer is authorized to:

- A. Develop procedures and take necessary action to implement the Expulsion and Suspension Policy;
- B. Share records and data of expulsions and suspensions with Sound Transit's operating partners;
- C. Establish a Suspension Panel with the authority to review and issue suspensions; and
- D. Appoint Suspension Panel members.