Service Suspension Program

A. Purpose

The purpose of this program is twofold;

1. To increase the safety and security of employees and passengers by identifying and removing disruptive passengers from transit service.

2. To provide a method of behavior modification for disruptive passengers, through a reasonable and progressive system that complies with all applicable laws including the American with Disabilities Act and that provides due process.

B. Procedure

The suspension program has been formed as a means to address disruptive activity and behavior demonstrated from passengers that frequent transit services. The program serves as a system to hold passengers accountable for their actions, while promoting safe and secure transportation service for other passengers and employees. Violators are served with a “Notice of Suspension”. This notice describes the service suspension; the reason for the suspension and for how long the suspension will be in effect. A Transit Police Officer, a Contract Security Officer, Street Supervisor, or another local law enforcement officer delivers in person the notice to the violator. A list is formed that contains the names and dates of suspended passengers. If the violator chooses to use the services or enter the property of RTD during a period of suspension, the violator may be criminally charged with trespassing. Those served with suspensions will have the right to appeal such suspension by requesting a hearing in writing in the form of a letter addressed to the Transit Police Chief within 10 days after receiving the notice of suspension.

C. Goals

- Identify and remove disruptive passengers and follow up with criminal prosecution when applicable.
- Implement an absolute “No Tolerance” approach to criminal activity and transit policy violations.
- Promote a positive working environment for RTD Transit employees by removing violators from the service.
- Enhance the employee comfort level by taking strict and rapid action to all identified violators.
- To decrease the disruption of transportation services caused by violators.
- To increase the passengers comfort level while utilizing RTD Transit services.
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D. Suspension Criteria

The suspension periods, for identified violators, may be determined on a case-by-case basis but will generally follow the following criteria:

1. RTD transit policy violations and/or fare evasion:
   - First Offense - Warning Notice
   - Second Offense - Issue Citation
   - Third Offense - Issue Citation and 30-day suspension
   - Continued Offenses - Issue Citation and 90 days to 1 year suspension

2. Part II crimes that result in arrest or criminal citation such as vandalism, or disorderly conduct, etc.
   - First Offense – 90-day suspension
   - Second Offense – 90 days to 1 year
   - Third Offense – 1 year or permanent

3. Part I Crimes resulting in arrest – (crimes against person) such as assault.
   - First Offense – 1 year suspension
   - Second Offense - Permanent

(If the violator is arrested for an assault on a RTD Transit employee, he/she will be permanently removed from the transportation service on the first offense).

E. Due Process

A hearing board will be formed to hear appeals from persons who have been identified as violators and served with suspensions. The hearing board will have the final say for those cases appealed. This board will convene when requested hearings have been scheduled usually within 5 to 10 days. The hearing board will take into account all the facts and circumstances. The appeal will not be bound by the strict rules of evidence. The appellant may provide direct testimony, exhibits, affidavits or other evidence. After hearing the appeal, the hearing board will either revoke the suspension, or continue the suspension. The person that requested the appeal will then be notified of the hearing board’s decision in a confidential letter, except as required by law. If disability is alleged the hearing board will give careful consideration to the alleged offense. The hearing board will consist of an odd number of people made up from the below list:

- Transit Police Commander, Fare Operations or Designee
- Transit Police Chief or Designee
- Manager Dispatch & Street Supervision or Designee
- Senior Manager Human Resources or Designee
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- Light Rail Transportation Manager or Designee
- Manager of Civil Rights Division of Designee

F. Crimes

State and Federal Law define Part I and Part II crimes. The violator MUST BE IDENTIFIED as the one who committed the act.

**Part I Crimes-Description**
- Homicide
- Forcible Rape
- Robbery
- Aggravated Assault
- Burglary
- Larceny/Theft
- Motor Vehicle Theft
- Arson

**Part II Crimes**
- Other Assault
- Vandalism
- Sex Crimes (i.e. Prostitution)
- Drug Abuse Violations
- Driving Under the Influence
- Drunkenness
- Disorderly Conduct/Unlawful Bus Conduct
- Trespassing
- Fare Evasion

**Other Conduct**
Repeatedly creates any Health, Safety or Hazardous Risk on RTD Vehicles or RTD Owned Property; for example:
- Carry leaking chemical or hazardous materials
- Urinating on vehicles or property
- Or any other offensive or disruptive behavior

G. Statutes

There are a few laws in the State of Colorado that are transit specific, (See below). It is important for each employee to understand the elements of these crimes. It is also important to understand that some jurisdictions utilize municipal code to enforce the law versus state law. This procedure does not prohibit RTD from seeking a Temporary Restraining Order (TRO) or an injunction in appropriate cases.
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H. Transit Related Laws (Colorado Revised Statutes)

42-4-1416 **Failure to present a valid transit pass or coupon.**

(1) A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon. (2) A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to subsection (4) of this section, a peace officer, or any other employee or agent of a public transportation entity. (3) Any violation of this section is a class B traffic infraction and is punishable by a fine of seventy-five dollars. (4) (a) Public transportation entities may appoint or employ, with the power of removal, fare inspectors as may be necessary to enforce the provisions of this section.

18-9-114 **Hindering Transportation.** A person commits a class 2 misdemeanor if he knowingly and without lawful authority forcibly stops and hinders the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association, or corporation.

18-9-115 **Endangering Public Transportation.** (1) A person commits endangering public transportation if such person: (a) Tampers with a facility of public transportation with intent to cause any damage, malfunction, or non-function which would result in the creation of a substantial risk of death or serious bodily injury to anyone; or (b) Stops or boards a public conveyance with the intent of committing a crime thereon: or (c) On a public conveyance, knowingly threatens any operator, crew member, attendant, or passenger: (I) With death or imminent serious bodily injury; or (II) With a deadly weapon or with words or actions intended to induce belief that such person is armed with a deadly weapon; or (d) On a public conveyance: (I) Knowingly or recklessly causes bodily injury to another person; or (II) With criminal negligence causes bodily injury to another person by means of a deadly weapon. (2) “Public” means offered or available to the public generally, either free or upon payment of a fare, fee, rate, or tariff, or offered or made available by a school or school district to pupils regularly enrolled in public or nonpublic schools in preschool through grade twelve. (3) “Public conveyance” includes a train, airplane, bus, truck, car, boat, tramway, gondola, lift, elevator, escalator, or the public carriage of persons or property. (4) “Facility of public transportation” includes a public conveyance and any area, structure, or device which is designed, adapted, and used to support, guide, control, permit, or facilitate the movement, starting, stopping, takeoff, landing, or servicing a public conveyance or the loading or unloading of passengers or goods. (5) Endangering public transportation is a class 3 felony.
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18-9-116  **Throwing missiles at vehicles.** Any person who knowingly projects any missile at or against any vehicle or equipment designed for the transportation of persons of property commits a class 1 petty offense.