



Service Suspension Policy Revisions

SUSPENSION CRITERIA

1. Purpose:

In the interest of public safety as well as compliance with federal law, state law and/or the RTD ~~Customer~~~~Passenger~~ Code of Conduct Policy, a person may not engage in prohibited conduct on any RTD vehicles, operational and maintenance facilities, and property, including but not limited to bus shelters, bus stops, rail platforms, administrative, and/or RTD equipment.

Violation of the above may subject a person to enforcement ranging up to and including the following:

1. A verbal or written Notice of Suspension,
2. Immediate suspension, and/or
3. A criminal citation.

An individual suspended from the transit system will not be entitled to any refund of unused fare media that may expire during the time of his/her exclusion.

2. RTD Transit Suspension Procedure

Committing a violation of federal law, state law, and/or the RTD ~~Passenger-Customer~~ Code of Conduct Policy may be cause for suspension of a person's privileges to enter upon RTD property and use of the transit system. Notice of such suspension shall be in a written "Notice of Suspension" form and will notify the person suspended of the cause, the period of the suspension, appeal procedures, and that failure to comply may be grounds for criminal prosecution. Only an RTD Transit Police Officer, RTD Transit Security Officer, RTD Bus/Light Rail/Commuter Rail Line Supervisors, and any Peace Officer may issue a Notice of Suspension.

RTD Transit Police Officers and RTD Transit Security Officers have the authority to remove, immediately, a person from RTD property who violates federal law, state law, and/or the Prohibited Conduct set forth within the RTD ~~Passenger-Customer~~ Code of Conduct.

The immediate suspension of a ~~passenger-customer~~ that frequents RTD transit services functions as a system that holds ~~passengercustomer~~/s accountable for their actions and promotes the public health and safety, while using transportation services.

In the event of immediate suspension, the RTD Transit Police Officer or a RTD Transit Security Officer will order an immediate exit from RTD property. In addition to prompt removal from RTD property, the passenger will also receive a "Notice of Suspension," which can be found with~~in~~ the RTD ~~Passenger Customer~~ Code of Conduct. In the event of an immediate suspension, the duration of the suspension becomes effective at the time of issuance of the Notice of Suspension.

3. Length of Suspension

Generally, the following criteria will determine the length of suspensions for each ~~passenger-customer~~ and/or person on RTD property found in violation of federal law, state law, and/or administrative violation



of the RTD ~~Passenger-Customer~~ Code of Conduct.

Fare Evasion

A person receiving a Notice of Suspension for fare evasion is subject to a suspension from RTD transit services:

- First Offense: ~~Written warning~~ up to 1 day suspension.
- Second Offense: ~~Passenger suspension~~ Citation and 1 not to exceed 30-day suspension.
- Third Offense: ~~Passenger suspension~~ Citation and 30 not to exceed 90-day suspension.
- Further Offenses: ~~Passenger suspension~~ Citation and 90 to days up to 365-day suspension.

Code of Conduct Violations

A person receiving a Notice of Suspension for a violation of RTD's Code of Conduct, but the act is not a violation of the Colorado Criminal Code or the Municipal Code where the act is committed, is subject to a suspension from RTD services:

- First Offense: warning up to 14-day suspension.
- Second Offense: 14 to 60 day suspension.
- Third Offense: 60 to 120 day suspension.
- Further Offenses: 120 to 365 day suspension.

Criminal Offenses

~~1. A person receiving a Notice of Suspension for the criminal act of vandalism or property damage and/or trespass (not including the violation of a current suspension notice) is subject to suspension from RTD transit services:~~

~~a) e~~

12. A person receiving a Notice of Suspension for an act that violates either the Colorado Criminal Code or the Municipal Code in the Municipality where the act is committed, but the act is not a crime of violence as defined in the Colorado Criminal Code, is subject to suspension from RTD transit services:

- First Offense: a minimum of 14 days, but not to exceed 150 days, depending on the nature and severity of the offense.
- Second Offense: a minimum of 90 days up to 365 days, depending on the nature and severity of the offense.
- Third Offense: a minimum of 180 days up to permanent suspension, depending on the nature and severity of the offense.

2. A person receiving a Notice of Suspension for a crime of violence, as defined in the Colorado Criminal Code, in an act against a person, and/or a crime involving a firearm or other dangerous weapon is subject to suspension from RTD transit services:

- First Offense: ~~Passenger suspension~~ a minimum of up to 365 days, and depending on the severity of the offense, up to a permanent ban from the RTD transit system, depending on the nature and severity of the offense.
- Second Offense: ~~Passenger suspension~~ a minimum of 730-365 days up to permanent suspension, depending on the nature and severity of the offense.

Commented [MB1]: I have eliminated this word throughout because someone does not need to be a passenger to commit violations. They can just be on our property not using our services.

Commented [MB2]: I have made this as broad as possible to capture all crimes that may happen on RTD property, but then I have separated out crimes of violence v. non-crimes of violence. This should capture many quality of life issues like drug use, selling drugs, etc. while maintaining discretion based on the nature and severity of the offense.

Commented [MB3]: Crimes of Violence includes crimes that:

(A) Used, or possessed and threatened the use of, a deadly weapon; or

(B) Caused serious bodily injury or death to any other person except another participant.

(II) Subparagraph (I) of this paragraph (a) applies to the following crimes:

(A) Any crime against an at-risk adult or at-risk juvenile;

(B) Murder;

(C) First or second degree assault;

(D) Kidnapping;

(E) A sexual offense pursuant to part 4 of article 3 of this title;

(F) Aggravated robbery;

(G) First degree arson;

(H) First degree burglary;

(I) Escape;

(J) Criminal extortion



~~c) Third offense: Any criminal act against an RTD employee: -Passenger suspension—365 days a minimum of 1095 days—up to permanent suspension, depending on the nature and severity of offense.-~~

3. A person receiving a Notice of Suspension for any criminal offense committed against an RTD employee or RTD Contractor, including but not limited to assault, theft, robbery, menacing, or sexual offenses, is subject to suspension from RTD transit services:

a) First Offense: a minimum of 150 days up to a permanent ban from the RTD transit system, depending on the nature and severity of the offense.

b) Second Offense: a minimum of 365 days up to permanent suspension, depending on the nature and severity of the offense.

c) Third offense: a minimum of 730 days up to permanent suspension, depending on the nature and severity of the offense.

If a passenger-customer refuses to stay and receive their copy of their citation for a fare related violation, the passenger-customer may be subject to the following suspension/s:

- a) First Offense: ~~Passenger suspension~~ not to exceed 30 days, in addition to the time of suspension for the underlying violation.
- b) Second Offense: ~~Passenger suspension~~ not to exceed 90 days, in addition to the time of suspension for the underlying violation.
- c) Third Offense: ~~Passenger suspension~~ not to exceed 365 days, in addition to the time of suspension for the underlying violation.

If the suspended ~~individual~~passenger elects to use RTD services during the period of suspension, they may incur additional penalties, from additional suspension days up to and including charges for criminal trespass.

4. Appeal of Suspension

1. Right to a Hearing

Every person issued a Notice of Suspension shall be entitled to a ~~hearing~~hearing if requested as a matter of right. The purpose of the hearing is (a) to review and determine whether the evidentiary basis for issuance of the suspension is sufficient pursuant to RTD's Customer Code of Conduct; (b) to determine whether the length and scope of the suspension is commensurate with the nature of the violation; (c) to render a finding on whether it is more probablely than not that the individual engaged in conduct justifying the suspension; (d) consider any mitigating and aggravating factors relevant to the scope and length of the suspension; (e) and issue a final suspension order to sustain, modify, or set aside the passenger customer suspension. ~~Such an instance that may warrant reconsideration or modification of a suspension includes, but is not limited to, resolution of the criminal matter in that is the basis of the suspension. RTD will consider any evidence that supports or negates a finding that the individual engaged in conduct justifying the suspension. Evidence that a corresponding criminal case was dismissed may be considered but is not dispositive of whether the individual engaged in conduct justifying the suspension.~~ -All persons receiving a notice of suspension shall receive notice of ~~their right to~~ a hearing. It shall be the suspended

Commented [MB4]: This will cover crimes against persons that can be misdemeanors, such as Class 3 assault

Commented [MB5]: This is distinct from paragraph above in that it will cover any kind of crime against an RTD employee while maintaining discretion since this would also capture misdemeanors and code violations



~~individual's burden to prove by a preponderance of the evidence that they did not engage in the conduct that resulted in their suspension.~~ ~~on the Notice of Suspension.~~

Commented [MB6]: This is administrative, so we can set the standard.

2. Proceedings

Any persons issued a Notice of Suspension may appeal their suspension to the ~~Transit Police Lieutenant~~ Commander, Professional Services within ten (10) business days of issuance.

A request for appeal must include the following:

- a) Appeals Form
- b) The Notice of Suspension
- c) The grounds for appeal, and
- d) The date of request and contact information of requestor

If a person issued the Notice of Suspension is unable to submit an appeal, their representative, upon written verification regarding the representative's right to act on behalf of the person issued the suspension notice may submit the request. A representative may include, but is not limited to, an attorney, parents of minor suspended, guardian ad litem and/or representative with the power of attorney.

In the event the person does not appeal their suspension to the ~~Deputy Chief~~ Commander, Professional Services, or his/her designee, within ~~ten (10)~~ business days, the original Notice of Suspension becomes final.

3. Scheduling of Appeal Hearings

Hearing Date: The person seeking an appeal of their suspension must submit their request to the ~~Deputy Chief~~ Commander, Professional Services, ~~Security Operations Bureau~~, either by email to suspensionappeals@rtd-denver.com, or written letter to the ~~Deputy Chief~~ Commander, Professional Services, ~~Security Operations Bureau~~, Regional Transportation District, 1660 Blake Street, Denver, CO 80202. The ~~Deputy Chief~~ Commander, Professional Services, or his/her designee, will contact the individual by phone or mail to schedule a hearing within three (3) business days of receipt of the Notice of Appeal.

Continuance: The ~~Deputy Chief~~ Commander, Professional Services, or his/her designee, may grant a continuance, on its own motion or by motion of suspended ~~passenger~~ customer, if a continuance is warranted or necessary. The ~~Deputy Chief~~ Commander, Professional Services, or his/her designee has the sole discretion to grant or deny a continuance.

Commented [MB7]: I think the person responsible for IA investigations should do this because national trends are in favor of an independent or semi-independent party making these kinds of decisions

4. Evidence at Hearing

The ~~Commander, Professional Services~~ Deputy Chief, or his/her designee will review all relevant information and shall consider any mitigating or aggravating factors in determining the appropriate scope and length of the suspension, in his/her sole discretion. After consideration of the evidence presented, the ~~Commander, Professional Services~~ Deputy Chief, or his/her designee may sustain the suspension, modify the suspension, or set aside the suspension.



5. The Final Order

Within ~~ten (10)~~10 business days following the conclusion of the hearing, the ~~Commander, Professional Services Deputy Chief~~, or ~~his/her~~their Designee shall issue a Final Order setting forth all findings and decisions on the suspension, unless issuance of a final order within ~~ten (10)~~ days is not practicable. If a final order cannot be issued within ~~ten (10)~~10 business days of the conclusion of the hearing, the ~~Commander, Professional Services Deputy Chief~~, or ~~his/her~~their Designee shall extend the stay on the suspension until the final order is effect. The Final Order shall be deemed issued on the date of mailing to all parties at the address provided by the parties, through regular U.S. Mail, or ~~Email~~email, and becomes effective ~~three (3)~~3 business days from the date of issuance.

The Final Order shall set forth the findings of the ~~Commander, Professional Services Deputy Chief~~, or ~~his/her~~their Designee, and the basis for such findings. If the Final Order Sustains or modifies the Notice of Suspension, the Final Order shall clearly set forth the period of the suspension, including the exact starting and ending date.