

## **Transfort Passenger Suspension Policy**

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### **Passenger Suspension**

The intent of the passenger suspension policy is to ensure the safety of passengers, citizens, and staff. The Transfort Director will review any relevant information and consult with the City Attorney's Office, as needed, to determine if a person is a safety or security threat, and thus, a recipient of a suspension. Additionally, the Transfort Director will make judgments based on all available investigative information including, but not limited to:

- a. Any violent criminal history, including any weapons charges;
- b. Any criminal history related to public spaces;
- c. Any criminal history related to criminal mischief (the destruction of public property);
- d. Any criminal history in which the person was accused or convicted of obstructing police or resisting arrest;
- e. Erratic or alarming behavior over the prior 12 months, while on or near the Transfort public transit system;
- f. Threats made to any public employee or official, veiled or direct;
- g. Refusal to follow posted rules or regulations, City, Transfort, or otherwise;
- h. Refusal to follow the rules of decorum in City buildings, during public meetings, or Transfort;
- i. Recent exhibition of disruptive behavior in public meetings or public facilities;
- j. Failure to follow the directive of a Transfort Enforcement Officer or Operator in the performance of his or her duties; and
- k. Any significant threat to the safe operation or security of passengers, employees, or the general public;
- l. Fare evasion.

In general, suspension periods will be progressive, however, more egregious behaviors may warrant longer suspension periods or escalation to skip prescribed steps. The more serious the offensive action or safety and security threat, the longer the suspension will be. The general conditions under which a suspension may be initiated are as follows:

#### *Suspension Locations*

- Facility Only
  - A suspension from facilities is indicated in cases where an individual has been disruptive to staff, passengers or general public trying to access the facility. A facility suspension may be specific to a particular location or to all locations as defined in the suspension notice.
- System Suspension
  - A system suspension includes a suspension from all services, facilities and/or amenities of the public transit system. A service suspension is warranted in cases where an individual has demonstrated behaviors as identified in the passenger suspension criteria section of this memo.

#### *Progressive Suspension Periods*

- Step One. One Week

- A one-week suspension will be implemented in cases where an individual has been warned and/or cited for behaviors identified in the suspension section within a rolling one year period.
- Step Two. One Month
  - A one-month suspension will be implemented in cases where an individual has received a one week suspension within a rolling one-year period.
- Step Three. Three Month
  - A three-month suspension will be implemented in cases where an individual has received a one month suspension within a rolling one-year period.
- Step Four. Six Month
  - A six-month suspension will be implemented in cases where an individual has received a three month suspension within a rolling one-year period.
- Step Six. One Year
  - A one-year suspension will be implemented in cases where an individual has received a nine month suspension within a rolling one-year period. One year is the longest period of time a suspension can be issued.

### **Decision Making Authority**

As the City Manager's delegate, the Transfort Director has the authority to issue passenger suspensions. Police Officers and/or Transfort Enforcement Officers requesting a suspension will file a written request to the Transfort Director. The Transfort Director may appoint a division manager in the event that he/she is absent to issue the suspension on his/her behalf.

The Transfort Senior Manager will be charged with administration of the suspension process, notifications, communications and issuance of the suspension. The Transfort Senior Manager may appoint a delegate to administer the process.

In the event that the Transfort Director issues a suspension, the following information will be provided in writing:

- Name of individual to be suspended
- Reason for the suspension
- Suspension period and justification for prescribed period
- Citation number of violation (if applicable)
- Suspension effective date
- Suspension end date
- List of previous violations and/or suspensions within rolling one-year period (if applicable)
- Notice of right to appeal
- Notice of appeal method

### **Appeals Process**

Individuals receiving a suspension from any transit services and/or facilities may appeal the suspension by writing the City Manager. A copy of the suspension issued, notice of request to appeal and written reason for appeal should be included in the letter to the City Manager.

Appeal requests should be sent to:

City of Fort Collins  
ATTN: City Manager – Transit Appeal Request  
PO Box 580, Fort Collins, CO 80522-0580

Because the suspensions are generally progressive, the recipient of a suspension may appeal

the suspension, at any time within one year of receiving a suspension, even if the suspension would otherwise be moot (because it is no longer in effect). Any appeal of the suspension decision may be made to the City Manager within 14 days of receipt of the suspension. The City Manager or designee will review the suspension order, and will, in consultation with the City Attorney's Office, as needed, respond in writing to the appellant within 14 days.

The Transfort Director's decision to suspend a passenger will become effective immediately, however, if the recipient appeals the suspension then the suspension will be tolled until the City Manager, or designee, decides whether to uphold the suspension, unless the Transfort Director finds, in writing, that suspending the passenger pending an appeal to the City Manager is necessary to protect public health, safety or welfare.

If the City Manager or designee decides a suspension was not appropriate, the recourse for the person suspended will be:

- a. The progressive suspension period, if applicable, will move back to the previous step; and
- b. The suspension order will be rescinded.

If the City Manager or designee decides the suspension was appropriate, the suspension will be upheld.

#### Reporting Process

Transfort staff will log and track administrative procedures resulting in suspension of service. This will include evidence collected regarding the allegations of misconduct by a passenger, recommendations for suspension of service as well as any appeals and findings of suspension. Staff will provide an annual report that summarizes the number of suspensions, the length of suspensions and the incident categories that led to any suspensions of service.

#### **Non-Discrimination Notice**

The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. Individuals may make a verbal complaint regarding the administration of City programs, services, or activities, by calling 970.416.4254 and asking to speak to the City's ADA Coordinator or sending an email to [adacoordinator@fcgov.com](mailto:adacoordinator@fcgov.com).