

Add the following language to section 419.2.2 to clarify the investigatory steps that should be taken during fare enforcement.

Officers should conduct a thorough investigation surrounding the circumstances of any apparent fare evasion violations in order to determine if a defense against prosecution exists. Although a person detained for fare evasion may decline to provide answers to the officer's questions regarding the circumstances leading to the observed violation(s), the officer should ask questions to assist in determining if a violation has occurred.

Questions may include the following;

- Did the person attempt to process a ticket or Clipper card to enter or exit?
- Did a station agent or other authorized BART employee give the person permission to enter or exit the system without processing a ticket?
- Did the person attempt to resolve any ticket issues with the on-duty station agent? The officer may also consider whether a station agent was present in the station to assist passengers at the time of the observed violation.
- Did an emergency condition exist that required the person to enter or leave the station without processing a ticket?
- Does the person have prior contacts for fare evasion?
- Does the person have any other lawful reason for entering or exiting the system without processing a ticket?

The answers to the officer's questions may require verification of the information provided. The officer should take all the circumstances uncovered during the investigation into consideration when determining whether a violation has occurred and/or the most appropriate disposition.