



## TRANSIT POLICE

# VIOLATION TICKETS

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Office of Primary Responsibility: Manager Information Management Services

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## POLICY

### Summary

This policy provides Transit Police Members and civilian staff with direction on issuing and internal processing of Violation Tickets (“VTs”), including eTicketing module. Transit Police Personnel compliance with the procedures within this policy will help enable the organization to fulfill ‘eTicketing’ user requirements and Insurance Corporation of British Columbia (“ICBC”) requirement for prompt receipt of VTs for timely processing of hard copy documents and entry onto contravention and driving records.

### Definitions

Chief Officer – The Transit Police Chief Officer or delegate.

Fare Infraction Notice (“FIN”) – Part 12 of the *South Coast British Columbia Transportation Authority Act* (“SCBCTA Act”) establishes requirements for payment and proof of fare and enforcing of the SCBCTA - Fare Collection Bylaw. Sworn members of Transit Police are authorized under the SCBCTA Act as a ‘fare officer’ to enforce the Fare Collection Bylaw and to issue a FIN (ticket) to a person who has not satisfied the payment and proof of fare requirements of the Transit Tariff. *(Note: For transit fare infractions, there is no authority for the Member to issue a warning FIN in hard copy, check identity on PRIME, or make a PRIME record.)*

Member – Designated Constable (all ranks), the Chief Officer or a Deputy Chief Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name of the South Coast British Columbia Transportation Authority Police Service.

Transit Police Personnel (“Personnel”) – Sworn police officers (and other sworn peace officers) and civilians who work for the Transit Police.

Violation Ticket (“VT”) – Under the provincial *Offence Act*, a person who contravenes an enactment by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence against the enactment. As a police officer in British Columbia, pursuant to the *Offence Act* and *Violation and Ticket Regulation*, Members may issue a VT for contravention of an enactment referred to in the regulations (including the *Greater Vancouver Transit Conduct and Safety Regulation*). A police officer’s authority also includes verifying the identity of the offender in order to issue the VT and, if necessary,

arresting for the offence found committing, pursuant to the provisions of s. 133 of the *Offence Act*.

### General

1. Violation Tickets (“VTs”) are to be used to charge persons with offences that have specified penalties under certain Provincial Acts and/or Regulations, including the *South Coast British Columbia Transportation Authority Act* and *Greater Vancouver Transit Conduct and Safety Regulation*.
2. Violation Tickets must be personally served [no registered mail, regular mail or leaving on vehicle windshield].

### PROCEDURES

3. Transit Police Personnel may refer to the ‘Enforcement Officer’s Instruction Manual on the Completion or Withdrawal of Violation Tickets’ for guidance in completing and processing VTs. (Guide is on the “K” Drive – Patrol Tool Kit.)
4. Members will include the following when completing a VT:
  - (1) Print legibly (where not entering on an E-ticketing tool);
  - (2) Ensure the violator’s name, date of birth and other pertinent information is included;
  - (3) Check off the appropriate box if the offender is between the ages of 12 and 17 inclusive;
  - (4) Include the description of the offence, section number of the Act or Regulation and the indicated penalty;
  - (5) Up to three offences may be listed per VT; however, DO NOT put two offences on one count line (it is not necessary for all counts to be under the same Act);
  - (6) Enter the date service, ONLY if it is different from the violation date;
  - (7) If the dispute location is blank, ensure the VT is preprinted with the Kingsway or Commercial dispute location (#232 – 4820 Kingsway, Burnaby or 2750 Commercial Drive, Vancouver);
  - (8) Ensure that the Member's badge number appears in the appropriate place on the face of the VT, along with the Member’s signature;
  - (9) Serve the violator with the Offender’s (blue) copy of the VT, after requesting they acknowledge receipt by signing in the appropriate place on its face.
    - a. The alleged offender is not obliged to sign as requested.
    - b. Do NOT mark "refused" or similar on the face of the ticket if the alleged violator failed to sign the acknowledgement of receipt on the face of the VT.
  - (10) Complete the Certificate of Service on the reverse of the original (white) copy if the alleged violator has not signed the VT to acknowledge receipt of a copy;
  - (11) Submit the white (original), along with the green and yellow copies of the VT, to Information Management Services (“IMS”) for processing and storage; and
  - (12) Write the GV file # on the front of the VT (top right), if associated.

### Warning Tickets

5. A VT may be issued when a person has been checked by a Member and a violation has been confirmed. Discretion may be exercised in the form of a written warning, by writing "VOID" diagonally across the complete face of the VT, prior to serving it.
  - (1) The Member will make a notation on the VT notes page with the reason for issuing the warning VT.
  - (2) The warning VT will then be submitted to the IMS so that it can be entered on PRIME by data entry personnel; however, no copy is submitted to ICBC.

#### Alias Name Used

6. When the alleged offender has used an alias and the alias is recorded on the VT, and then the true identify of the offender confirmed, the Member will: write "ALIAS" across the face of the VT, fold the VT in half, and staple it to the new VT issued with the correct name. (IMS will ensure alias name entry in PRIME.)

### Property Seized

7. In all cases where property is seized in conjunction with a VT, the Member will:
  - (1) Obtain an incident number and submit a General Occurrence ("GO") report on PRIME;
  - (2) Record the VT number in the GO "Event to Event" link, synopsis, concluding remarks and Property page; and
  - (3) Record the GO number at the right hand corner of the VT (if the allegation is disputed Crown Counsel will notify Members and the required information may be cross-referenced from the original GO report).
8. Where fare media is being confiscated as part of the Violation Ticket, Members will refer to procedures in Transit Police policy [OD210 – Fare Enforcement](#).

### Ticket Processing

9. Members will, by the end of each shift:
  - (1) Remove each completed VT and staple all copies together; and
  - (2) Place the VTs in the VT basket within IMS (at Bridgeport reporting office – place in the VT basket for transport to Headquarters).
10. IMS data entry personnel will:
  - (1) Review the VTs;
  - (2) Reject and return incomplete or illegible VTs to the Supervisor;

- (3) Enter and scan on PRIME complete VTs; and
  - (4) Place Member's green copies of VT and notes in the designated monthly VT folder, following which the VTs will be secured by IMS.
11. IMS will send the "VT Admin" copies of the VTs to the ICBC Ticket Unit within 10 days of service, where possible.

### **Withdrawal or Reduction of Violation Ticket**

12. VTs may be withdrawn in certain circumstances, such as errors in the document, replacement VT issued, or personation. Members seeking to withdraw or reduce a VT, within 30 days from the service date, will complete a "Police Cancellation Request for Violation Tickets."
- (1) The request will contain:
    - a. Violation Ticket Number,
    - b. Violation Date and Service Date if different from Violation Date,
    - c. Driver's Licence Number (if possible) and/or name of the alleged offender,
    - d. Name of the Act or Regulation, including the section number,
    - e. Statement requesting withdrawal of ticket and reasons why, and
    - f. Signature of the Supervisor.
  - (2) The Member must immediately make reasonable attempts to contact the served party to advise of the withdrawal.

**NOTE:** ICBC must receive a withdrawal notice in writing from the issuing Member or Officer in Charge within 30 days of the service date. The Offence Act states that a ticket is deemed guilty if not paid or disputed by the thirtieth day.

13. The Member will submit the completed form to IMS for submission to the ICBC Ticket Unit.

**NOTE:** ICBC will cancel the offence. If the alleged offender has disputed the VT before receiving the cancellation request from the Member, the Member will be notified to make the withdrawal through court. If the alleged offender has paid the fine before receiving the cancellation request from the Member, ICBC will check for any other outstanding debts owed to ICBC or to Courts before arranging for a refund to be sent to the offender. ICBC has the authority to re-allocate refunds to pay other outstanding debts on the same individual's record.

14. After 30 days of the service date, the issuing Member may no longer withdraw a VT.

**NOTE:** In these cases, the offender may apply to the Court for a hearing to have the ticket removed from the record of convictions, if there is a valid reason for removal.

### **Personation**

15. When a VT has been served on someone other than the person named on the ticket, the Member may make a written request to ICBC, under the *Offence Act*, at any time to cancel the VT.

**NOTE:** After 30 days, only ICBC can request VT cancellation because of personation.

16. Upon receipt of ICBC notification of an alleged personation, IMS will open a GO on PRIME and notify the Member issuing the ticket and the Member's current Supervisor. The Member will conduct an investigation.

### **Provincial Appearance Notice ("PAN")**

17. VTs may only be served when a specified, indicated (monetary) penalty may be applied to the particular offence charged.
  - (1) The Provincial Fines Booklet and/or Quick Reference for Traffic Law Enforcement list indicate penalties, and they are updated regularly.
  - (2) The Fines Booklet and Quick Reference guides also specify those offences that must be prosecuted by "Court" (Report to Crown Counsel (RTCC) and the swearing of a long-form information).
  - (3) Information from the current Provincial Fines Booklet and Quick Reference for Traffic Law Enforcement will be electronically available to Members on the provided mobile phone App (i.e., 'Shield Basic' App).
18. Despite an indicated (monetary) penalty being specified for a particular offence, a Member MAY, instead of serving a VT, compel a violator to appear in Provincial Court by service of a PAN.
  - (1) Exercising the option to compel an accused to attend court must be considered in the case of serial offenders, or instances of particularly dangerous or uncaring behaviors, or in any circumstances in the public interest.
  - (2) A RTCC must be completed and forwarded in any case where a PAN has been served or if a summons is to be requested.
  - (3) All PANs are returnable to the courthouse address in the jurisdiction where the offence occurred. PANs are to be issued with a court date of eight weeks after the date of the offence.
  - (4) Members will endeavor to complete RTCCs and PANs and submit to the Watch Commander within 10 days of the offence, or otherwise ensure that the file documents any delays. RTCCs with PANs will then be forwarded to Court Liaison.

### **Ticket Storage, Retention and Access**

19. Members will submit their VTs to IMS for scanning and the green copies and notes will be retained by IMS for potential Court and any other investigative purposes.

20. When Court Liaison receives a dispute notice, they will process it and enter the court date on 'InTime' to schedule the Member for court. IMS will then pull the VT from records and provide same to Member, along with the notice of dispute.
21. VTs will be retained for a minimum of two years. However, if the VT is associated with a GO, then the retention period will follow the retention schedule for the GO offence.
22. After the retention period has lapsed, IMS will be responsible for secure disposal.

### **eTicketing**

23. Transit Police may utilize the eTicketing module in the Mobile Report Entry ("MRE") for issuing certain types VTs (e.g., *Motor Vehicle Act*). Unlike a hard paper VT, a physical printout is no longer considered the legal document for an 'eVT'; the electronic version that is in the Records Management System ("RMS") is the legal record.
24. Member use of eTicketing module is allowed after completion of training on use of the module and the specialized printer.
25. A single eVT can include up to three violations per person. Where Members are using the eTicketing module, they will follow the electronic submission process; no manual submission of hard copies is required to IMS since the electronic record goes directly to the RMS.
  - (1) Members are reminded to lock their text pages when using the eTicketing module.
  - (2) There is not a supplemental ticket function in MRE; if a Member needs to add text pages to an existing eVT already sent through Transcription, the Member will need to retrieve the eVT in the RMS.
26. If an error is discovered on the eVT or cancellation of the eVT is warranted, the Member is to follow the instructions on the eTicketing Manual for voiding or cancellation.
27. IMS will be responsible for the processing and retention of violations done through the eTicketing module.
28. When a Member receives a court notice for an eVT, they will be responsible for printing the eVT and their own notes from the PRIME database.

### Technical Assistance

29. If a Member encounters an eTicketing issue, they are to submit a service ticket to the IT Help Desk.

**[Refer also to Transit Police policies [OD200 - Reports to Crown Counsel](#), [OD210 - Fare Enforcement](#), [OF020 - Exhibits / Property Control](#)]**

**References:**

ICBC - Enforcement Officer's Instruction Manual on the Completion or Withdrawal of Violation Tickets'

Transit Police Guidebook on PRIME entry of Violation Tickets

eTicketing Manual - RoadSafetyBC