



Subject/Title:
Exclusion Policy

Procedure No:
CATS S&S16

Previous Revision:
November 12, 2024

Revised Date:
September 23, 2025



Signed by:
Brent Cagle
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Interim Chief Executive Officer and Director of Public Transit

1.0 PURPOSE

The Charlotte Area Transit System (CATS) seeks to provide safe, reliable, convenient, and efficient public transportation to the people of the greater Charlotte Metropolitan region. To promote and ensure this goal, CATS has developed this exclusion policy to provide for the safety and security of all persons and property utilizing the Public Transportation System (PTS) operated by CATS, as well as all employees and those contracted to provide service for CATS.

This policy is not intended to supersede or supplant the authority of law enforcement personnel that may have jurisdiction over any person or incident on the PTS. Nothing in this policy is intended to preclude CATS' employees, agents, or contractors from seeking the enforcement of federal, State or local laws to maintain an orderly and safe environment on the PTS.

2.0 DEFINITIONS

Authorized Person is any person authorized to issue an exclusion under this policy, including sworn law enforcement personnel and employees, contractors, and agents of CATS identified by the Chief Safety and Security Officer (CSSO) or the Manager of Security. Additionally, this includes any person authorized to represent the Office of Safety and Security in exclusion hearings.

Exclusion is to prevent or restrict an individual from the CATS PTS or a portion thereof for a violation of criminal, civil or CATS Rider Rules of Conduct. This can be for a set period of time or indefinitely.

Minor is a person who is not yet old enough to have adult rights.

Notice is the condition of being warned or notified, verbally and/or in writing, that you are excluded from the PTS and properties as specified in your notice.

Public Transportation System (PTS) is any property, real or personal, owned, leased, or controlled by the City of Charlotte and used to operate, maintain or provide public transportation services (including rapid transit services) by rail, motor vehicle or any other means of conveyance. This includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, and vehicles.

Violation is the action of violating any criminal, civil or CATS Rider Rules of Conduct statute, ordinance, court order or provision.

3.0 ENFORCEMENT

This policy may be enforced by the following individuals:

- Sworn Law Enforcement personnel that have jurisdiction over any person or incident on the PTS.
- Employees, contractors and agents of CATS authorized by the Chief Safety and Security Officer or CATS Security designee.

4.0 EXCLUSIONS BASED ON CONDUCT OR BEHAVIOR

Any individual who engages in criminal conduct upon the PTS, utilizes the PTS to facilitate criminal conduct or escape apprehension, or otherwise disrupts or presents a threat to the safety and security of any passenger, patron, employee, agent, or contractor of CATS, or CATS' property, the property of any of the above persons, or operations may be excluded from the PTS or specific portions thereof, in accordance with this policy. The exclusion may be immediate and may extend for such period as provided in this policy, subject to modification by Authorized Persons of CATS ("Exclusion Period").

If, during the Exclusion Period, an excluded individual returns to the PTS or portion of the PTS that they have been excluded from, the individual may be subject to arrest and criminal prosecution.

The following list of offenses is not intended to be an exhaustive list of all offenses that may give rise to an exclusion from the PTS or specific portions thereof. Prior exclusions and warnings and other aggravating factors may be considered in any subsequent decision whether to exclude an individual from the premises for like or other offenses and may also affect the duration of a subsequent exclusion. This list is not intended to preclude a court of competent jurisdiction from imposing an exclusion period that differs from the general limits set forth in this policy. In the event that a court imposes a different time period, the court-ordered period shall govern the duration of the exclusion.

Offenses for which individuals shall be excluded are divided into the three categories shown below.

VIOLATION AND EXCLUSION CHART	
VIOLATION CATEGORY	LENGTH OF EXCLUSION
I. All misdemeanors/City ordinance violations or infractions, or unacceptable or restricted behaviors constituting violations of CATS' Rider Rules of Conduct, policies or disruption of service. Can include Panhandling, loitering on CATS-controlled property, disorderly conduct, smoking in prohibited areas, trespass, repeat fare evasion (two (2) or more times in the	6 Months

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prior twelve (12) months), open container, illegal possession or sale of controlled substances.	
II. Any misdemeanor involving assault of any type, injury to property, or communicating threats, unlawful possession of dangerous or deadly weapons, obtaining property by false pretense, larceny, sexual battery, indecent exposure, or any other crimes of violence. Can include: Any felony on the PTS (i.e., assault and/or battery, drug trafficking, homicide/manslaughter, sex offenses, stalking, obtaining property by false pretenses) or physically assaulting any CATS' employee, agent, or contractor while performing their assigned duty for CATS.	1 Year
III. Any offender who has multiple violations and progressively violates any CATS' Rider Rules of Conduct, policies or disruption of service; misdemeanors/City ordinance (assault of any type, injury to property, or communicating threats, unlawful possession of dangerous or deadly weapons, obtaining property by false pretense, larceny, sexual battery, indecent exposure, or any other crimes of violence); felonies (i.e., assault and/or battery, drug trafficking, homicide/manslaughter, sex offenses, stalking, obtaining property by false pretenses); or physically assaulting any CATS' employee, agent, or contractor while performing their assigned duty for CATS. CATS records on these persons are reviewed as a whole and have shown they have been excluded from the system multiple times and have progressively escalated behaviors, as stated in the categories above, and continues to pose a threat to CATS employees, agents, contractors, riders, and PTS.	Indefinite* *At the approval of the CATS Chief Safety & Security Officer (CSSO) only

The applicable length of suspension shall double for each subsequent commission of the same criminal conduct for which a suspension has been previously applied within the previous three (3) years.

CATS reserves the right to apply suspensions of differing lengths and to varying portions of the PTS (both lesser or greater), and for violations not listed, based on the

totality of the circumstances, in the discretion of the Chief Safety and Security Officer or CATS Security designee or by decision of the Board.

Category I and II exclusions shall apply to the entire PTS. All categories of offenses shall apply to the entire PTS. Category III is reserved for those individuals who have continued to pose a threat to the PTS, employees and riders. Only the CATS CSSO has the authority to issue a Category III exclusion.

Prior exclusions and warnings for similar or other offenses and other aggravating factors may be considered in any subsequent decision whether to exclude an individual from the PTS or portion of the PTS and may also be considered in determining the duration of a subsequent exclusion.

5.0 EXCLUSION PROCEDURES

- a. An individual may be excluded from the PTS or any part of the PTS by any person authorized to enforce this policy ("Authorized Person") (see Section 2, above) based upon an observation by the Authorized Person, or on evidence collected by the Authorized Person, that there is probable cause that the individual has, or is, engaged in activity that justifies exclusion under this policy.
- b. **Notice of Exclusion.** Any individual to be excluded from the PTS, or any part thereof, must be issued a written Notice of Exclusion ("Notice"). If the individual refuses the written Notice, the Authorized Person seeking to issue the Notice shall make note of the refusal and advise the individual of the exclusion orally. The Notice, attached hereto as **Exhibit A**, shall set forth a description of the behavior giving rise to the exclusion, the duration and area of the PTS included in the exclusion, and instructions for requesting a review of the exclusion. All exclusions will remain in effect throughout the appeal process.
- c. **Minors.** Every effort shall be made to contact the minor's parent or guardian immediately to notify the parent or guardian of the situation.
- d. **Incident Reports.** The Authorized Person who determines that an individual's behavior warrants exclusion shall complete an incident report immediately following the action giving rise to the exclusion. The incident report shall include a description of the action taken in response to the behavior, including whether or not the individual was arrested. A copy of the incident report shall be provided to CATS Chief Safety and Security Officer and/or CATS Security designee within five (5) business days, and he or she shall ensure compliance with the procedures and exclusion periods set in this policy and, if circumstances warrant, shall have the power to modify or repeal the exclusion. The CATS Chief Safety and Security Officer or designee shall promptly notify the excluded individual of any such modification or repeal of his or her exclusion.
- e. **Requests for Review.** An excluded individual may request review of the exclusion, with or without a hearing, by sending a written request for review, within ten (10) business days of the issuance of the Notice, to at least one of the following addresses:

Mailing Address:

Exclusion Review Board
CATS Safety & Security
310 East Trade Street
Charlotte, NC 28202

Email Address: telltransit@charlottenc.gov

Requests for review should include:

- Full name, address, phone number, and email;
- Date exclusion occurred;
- Exclusion Notice number (located in the top right corner of Notice);
- All reasons the exclusion should be modified or repealed; and
- Specifically indicate if a hearing is requested.

Once a request is received for a hearing, CATS will respond to the individual via the manner in which the request was received. If a letter is received, it will go by certified mail to the return address on the letter received by CATS. If sent by email, a copy of the email will be put in the hearing file.

If the excluded individual requests review without a hearing, the individual may submit any other documentation that he or she believes may support a modification or repeal of the exclusion. All requests for a hearing shall include a valid email address which shall be used to schedule a hearing. If an individual requesting a hearing does not have a valid email address, a working phone number shall be required to schedule a hearing. Failure to either request or waive the hearing in the request for review shall be deemed to be an affirmative waiver of this right.

(i) Domestic Violence Protective Orders

A Domestic Violence Protective Order (sometimes commonly referred to as a “restraining order” or a “50B order”) is a restraining order that is designed specifically for victims of domestic violence to give them the protection they need from the abuser. It is different from a general restraining order because it allows a judge to order more specific forms of protection for a victim and law enforcement also has the power to enforce it by charging an abuser criminally if the abuser violates the DVPO. When a domestic violence protective order exclusion is issued, a review cannot be requested.

If the CATS Chief Safety and Security Officer and/or designee is directly involved in the incident giving rise to the exclusion or is unable to attend the review for any reason, the Chief Transit Official shall appoint a designee to serve in the place of the CATS Chief Safety and Security Officer and/or designee.

(ii) Exclusion Review

A representative of CATS Safety & Security will contact the individual within five (5) business days of receipt of the review request to schedule the hearing date.

The Exclusion Review Board (“Board”) will conduct all reviews, with or without a hearing, on a monthly basis. The Board will consist of the following five (5) members:

1. CATS Chief Safety and Security Officer or designee (Board Chair);
2. CATS Manager of Public & Community Relations;
3. A representative of the Charlotte-Mecklenburg Police Transit Unit;
4. General Manager of Bus Operations or designee; and
5. CATS Attorney (votes in the event of a tie vote (2 – 2) by the other board members).

If any member of the Board is directly involved in the incident giving rise to the exclusion or is unable to attend the review for any reason, that member shall appoint a designee to serve on the Board in their place.

f. Review Hearings

- (i) A review hearing shall be an in-person or virtual, informal proceeding to facilitate a review of the exclusion and provide an opportunity for the excluded individual to be heard. The hearing shall be recorded. The excluded individual may present evidence on his or her behalf, including witness statements, oral presentations, and other supporting documentation. The North Carolina Rules of Evidence shall not apply. The Board Chair shall maintain and rule upon all questions regarding the order and conduct of the hearing and review and ensure that the excluded individual receives appropriate notice as well as a meaningful opportunity to be heard, make arguments on their behalf, and present evidence in support of their position. When conditions are present that prevent in-person proceedings, the excluded individual and members of the Board may attend virtually. Virtual hearings may be conducted online (i.e., Zoom, Microsoft Teams, WebEx, etc.) or via conference calls. Supporting or additional documentation must be mailed to the CATS Transit Police Office, Charlotte Transit Center, 310 East Trade Street, Suite 108A, Charlotte, NC 28202. CATS may, in its discretion, request that any Authorized Person who issued the citation or wrote a report regarding the exclusion be present to speak about the facts giving rise to the exclusion.
- (ii) The Board shall make a final determination on whether the exclusion is supported by a preponderance of the evidence, by a majority of the members of the Board. The Board may modify the original exclusion, if warranted, after it balances the safety and security needs of the PTS with justice, fairness, and the constitutional rights of the excluded individual.
- (iii) The CATS Chief Safety and Security Officer and/or designee is empowered to reduce or remove any exclusion, prior to and without a hearing, in the event that, by a preponderance of the evidence, it becomes clear that the basis for the exclusion was in error or is unjust.
- (iv) The Chief Safety and Security Officer or designee will request the excluded individual's preferred method of communication, which may be physical mail or email address. The Chief Safety and Security Officer will make the findings available to the excluded individual via the specified method.

g. Final Order by the Exclusion Review Board.

- (i) The Board shall issue a final order, setting forth all findings and a decision on the exclusion, within ten (10) business days following the conclusion of review, whether with or without a hearing. The results of the findings and preponderance of evidence will be sent via the preferred communication method specified by the excluded individual.
- (ii) All reviews will result in one of the following dispositions:
 - 1. Sustained - the exclusion stands without modification;
 - 2. Modified - the exclusion stands, but with the length or locations modified for specified reasons; or
 - 3. Repealed - the exclusion is overturned and all privileges are restored.

If the excluded individual fails to provide a mailing address or email address, the final order will be held for pick-up at the Charlotte Transit Center, CATS Transit Police Office, 310 East Trade Street, Suite 108A, Charlotte, NC 28202.

- h. Requests for Modification.** In addition to the review hearing described above, an individual who has been excluded for six (6) months or more may request a reduction in their exclusion period after expiration of half of the exclusion period (i.e. after 3 months of 6-month exclusion, after 6 months of 1-year exclusion, and 1 year of an indefinite exclusion). Such requests should be sent to the address in Section e above. In order to qualify for a reduction, the excluded individual must attend a hearing with the Board and be able to show that they have not violated the exclusion and that the individual no longer poses a threat to CATS' passengers, employees, agents, or contractors, nor threatens the CATS operations.

The Board may consider the evidence provided by the excluded individual and other evidence, including but not limited to:

- (i) The criminal record of the excluded individual;
- (ii) The seriousness of the violation for which the individual was excluded;
- (iii) Any other evidence, such as video surveillance, any statements or injuries to any victim(s), any evidence from law enforcement regarding the excluded individual's offense.

The Board shall make a determination on whether modification of the exclusion is supported by a preponderance of the evidence and reviews shall be determined by a majority of the members of the Board. The Board may modify the original exclusion, if warranted, after it balances the safety and security needs of the PTS with justice, fairness, and the constitutional rights of the excluded individual.

6.0 RECORDS REQUIRED

S&SF43 Notice of Exclusion

NOTE: All reductions of indefinite exclusions must be reviewed and approved by the Chief Executive Officer (CEO).

Summary of Changes

Entire Document: Made organizational and wording changes to improve clarity and reflect current practices.

Changed "General Manager of Safety and Security" to "Chief Safety and Security Officer (CSSO)".

4.0 Revised Violation and Exclusion Chart, reduced violation categories from 5 to 3. Adjusted length of exclusion time. Shift responsibility of indefinite exclusion from CEO to CSSO.

Paragraph 6: Added "All categories of offense shall apply to the entire PTS." Removed "Category II and IV exclusion shall apply only to the individual portion of the PTS where the violation occurred for the first offense, and the entire PTS for subsequent offenses occurring within three (3) years of a previous violation." Revised Category V to Category III. sed Category V to Category III.

5.0b Added new last sentence "All exclusions will remain in effect throughout the appeals process."

5.0e Removed from second paragraph "If a review is requested, the exclusion shall be suspended until the review process is concluded and a final order has been issued."

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- 5.0e.ii Removed section about “30 Day Exclusion.”
- 5.0e.iii Removed “Greater than 30 Days” from section title. Removed “If the exclusion is greater than thirty (30) days and the excluded individual requests a review with a hearing.”
- 5.0h Added “ and 1 year of an indefinite exclusion.”
- 6.0 Added “All reductions of indefinite exclusions must be reviewed and approved by Chief Executive Officer (CEO).”

