

Deas, Aaron

To: Deas, Aaron
Subject: RE: HB 3337 in today's H Judiciary

From: Deas, Aaron
Sent: Wednesday, April 3, 2019 9:29 AM
To: Rep.ChrisGorsek@state.or.us
Subject: HB 3337 in today's H Judiciary

Hello Representative Gorsek and Jason,

I am not exactly sure where we are on HB 3337, so I thought I would give you some information that I have been sharing with Chair Williamson and Representative Bynum.

Below is what I sent to the Majority Leader:

I've been discussing with my team the Majority Leader's idea of continuing to allow TriMet's Transit Police Department (TPD) to fare inspect, but disallowing them from running warrant checks if the sole reason for the check is to write a citation for fare evasion. While allowing our TPD to continue fare checking is important (we only have 3 full time fare inspectors and 70 Supervisors (who occasionally perform fare inspection but whose primary functions are not related to fare inspection), and supported by 42 TPD officers), we cannot support this concept for a few key reasons:

- The May 2017 incident at the Hollywood Transit Center where two people were murdered and a third was stabbed has left our community asking TriMet to provide more security, and be more proactive in stopping bad people from being on our system in the first place.
- We asked TPD to compile a list of warrants over the past year. There are over 900, including sex offenders, homicide suspects, and felony assault suspects who have had outstanding warrants and the fare evasion was the likely precipitating event (these are records from transit police officers, but it is possible that some of these arrests originated from something other than fare evasion). But we know of specific cases where a fare evasion check led to arrests of a man wanted in Ohio for 5 counts of rape, one wanted in California for sex offenses, and one wanted in Virginia for multiple offenses including Grand Larceny. There are many, many others.
- TriMet does not want to be responsible for a scenario where a wanted criminal who was recently fare inspected by a Transit Police officer and was cited and let go because our police officer was disallowed from running a warrant check, only to have that person return a few days later and commit a terrible violent crime. Being able to catch and remove wanted criminals off our system makes EVERYONE safer.

I understand that there is some concern about allowing TPD officers to "troll" for warrants, but it is important to understand that in order for a police officer to run a warrant check, the rider must have first violated TriMet code. If the rider has a fare, the warrant check is never run. This is similar to a traffic mission to identify speeding violations for car drivers, where an officer checks a driver's speed on a road or highway. If the person is speeding, the officer pulls them over and runs a warrant check. If there are no warrants then the driver is given a citation for speeding. If the driver is not speeding, they are not pulled over, and a warrant check is never run.

If there is a concern that TriMet's TPD officers are abusing their authority or behaving inappropriately to our riders, we would be happy to address this concern either by providing to you a breakdown of the number of warrants, types, and circumstances or bring this concern to our Transit Equity Advisory Committee (TEAC), where they can review our TPD fare inspection practices. TEAC represents a diverse cross-section of community leaders including Central City Concern, IRCO, Urban League, OPAL and Hacienda.

Representative Bynum's staff had concerns that most fare evaders were likely low income and that warrant checking fare evaders would disproportionately affect this population. While we don't ask income questions, we did a survey in 2018 for the reasons why passengers didn't have fare on MAX. Here are the results:

I forgot my TriMet fare	3.6%
I lost my fare	7.2%
Didn't have time to purchase a fare	2.9%
I couldn't afford to purchase a fare	2.0%
The ticket machine was out of order	1.2%
I could have purchased a fare, but I chose to take a chance and ride without a fare	36.0%
Thought it was valid	5.8%
Forgot to validate paper ticket	5.5%
Forgot to validate mobile app ticket	19.2%
No ID (youth or honored Citizen Fare)	14.3%
Other (specify)	2.2%
No tap Hop card: valid annual pass (including college term pass)	0.6%
No tap Hop card: valid monthly pass	2.9%
No tap Hop card: valid transfer (Day pass or 2 ½ hr ticket)	2.5%
No tap Hop card: DID NOT validate fare (Day pass or 2 ½ hr ticket)	7.6%
No tap Hop ticket: valid transfer	0.2%
No tap Hop ticket: DID NOT validate ticket	0.6%
No money on Hop Fastpass	0.3%
No tap Hop card earned monthlypass	0.2%

While this doesn't show rider's income level, it does show that only a VERY tiny minority couldn't afford a fare. The largest group are those who are risking it (36%), while 25% had tickets but forgot/chose not to validate. This is basically the breakdown of who gets names ran for warrant checks when fare evading.

Also, there was interest in seeing examples of the warrants that are found. I have attached a list of the 900+ from last year. *Note the caveats on the left hand side.*

Thank you for your time and if you have questions, or would like more information please let me know.

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